

1-11-2011

State v. Stewart Clerk's Record Dckt. 37767

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LAW CLERK

Vol. 1 of 41

IN THE
SUPREME COURT
OF THE
STATE OF IDAHO

SEE AUGMENTATION RECORD
STATE OF IDAHO,

PLAINTIFF-RESPONDENT,

VS.

AMBER DAWN STEWART,

DEFENDANT-APPELLANT.

*Appealed from the District Court of the Fourth Judicial
District of the State of Idaho, in and for ADA County*

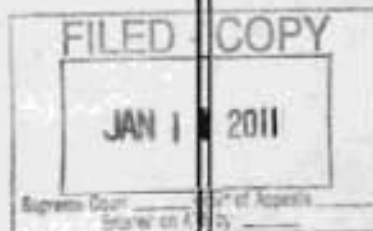
Hon MIKE WETHERELL, District Judge

MOLLY HUSKEY
State Appellate Public Defender

Attorney for Appellant

LAWRENCE G. WASDEN
Attorney General

Attorney for Respondent



COPY

37767

38051

38078

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

AMBER DAWN STEWART,

Defendant-Appellant.

Supreme Court Case No. 37767

38051

38078

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fourth Judicial District, in and for the County of Ada.

HONORABLE MIKE WETHERELL

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

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In the Supreme Court of the State of Idaho

STATE OF IDAHO,)	
)	
Plaintiff-Respondent,)	ORDER GRANTING MOTION TO
	)	CONSOLIDATE
v.)	
	)	Supreme Court Docket No. 37767-2010
AMBER DAWN STEWART,	)	Ada County District Court No.
	)	2009-21903
Defendant-Appellant.)	
)	
STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Supreme Court Docket No. 38051-2010
	)	Ada County District Court No. 2010-3077
v.)	
)	
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	
)	
STATE OF IDAHO,)	
)	
Plaintiff-Respondent,	)	Supreme Court Docket No. 38078-2010
	)	Ada County District Court No. 2006-1422
v.)	
)	
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	

A MOTION TO CONSOLIDATE was filed by counsel for Appellant in each of the appeals listed above on October 27, 2010, requesting this Court for an order consolidating the above entitled appeals for all purposes. Therefore, good cause appearing,

IT HEREBY IS ORDERED that Appellant's MOTION TO CONSOLIDATE be, and hereby is, GRANTED and appeal Nos. 37767-2010, 38051-2010, and 38078-2010 shall be CONSOLIDATED FOR ALL PURPOSES under Supreme Court Docket No. 37767-2010; however, all documents filed after the date of this Order shall bear all three docket numbers.

IT FURTHER IS ORDERED that the Clerk's Record and Reporter's Transcript in these consolidated appeals shall be filed with this Court on or before December 17, 2010, the due date previously set in Supreme Court Docket No. 37767-2010.

DATED this 22 day of November 2010.

For the Supreme Court

Stephen Kenyon

Stephen W. Kenyon, Clerk

cc: Counsel of Record
District Court Clerk
Court Reporter Nicole Omsberg
Court Reporter Kasey Redlich
Court Reporter Vanessa Gosney



ROA Report

Case: CR-FE-2009-0021903 Current Judge: Mike Wetherell

Defendant: Stewart, Amber Dawn

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
11/23/2009	NCRF	PRNYEJED	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRNYEJED	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 11/23/2009 01:30 PM)	Daniel L Steckel
	HRHD	TCCHENKH	Hearing result for Video Arraignment held on 11/23/2009 01:30 PM: Hearing Held	Daniel L Steckel
	ORPD	TCCHENKH	Order Appointing Public Defender Ada County Public Defender	Magistrate Court Clerk
	HRSC	TCCHENKH	Hearing Scheduled (Preliminary 12/07/2009 08:30 AM)	John Hawley Jr.
	BSET	TCCHENKH	BOND SET: at 5000.00 - (I37-2732(C)(1) Controlled Substance-Possession of)	Magistrate Court Clerk
	ORPD	MADEFRJM	Order Appointing Public Defender	Magistrate Court Clerk
	ORPD	MADEFRJM	Order Appointing Public Defender	Magistrate Court Clerk
11/24/2009	BNDS	TCWADAMC	Bond Posted - Surety (Amount 5000.00)	Magistrate Court Clerk
	NOPE	TCPENAEI	Notification of Penalties for Escape	Magistrate Court Clerk
11/25/2009	PROS	PRJOHNLM	Prosecutor assigned Tanner J Stellmon	Magistrate Court Clerk
11/30/2009	RQDD	TCBULCEM	Defendant's Request for Discovery	Magistrate Court Clerk
12/7/2009	REDU	CCEDWARM	Charge Reduced Or Amended (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery)	Magistrate Court Clerk
	CONT	CCEDWARM	Hearing result for Preliminary held on 12/07/2009 08:30 AM: Continued	John Hawley Jr.
	HRSC	CCEDWARM	Hearing Scheduled (Preliminary 12/29/2009 08:30 AM)	John Hawley Jr.
	AMCO	CCEDWARM	Amended Complaint Filed	John Hawley Jr.
	CHGA	CCEDWARM	Judge Change: Administrative	John Hawley Jr.
12/29/2009	CONT	CCEDWARM	Hearing result for Preliminary held on 12/29/2009 08:30 AM: Continued	John Hawley Jr.
	HRSC	CCEDWARM	Hearing Scheduled (Preliminary 01/22/2010 08:30 AM)	John Hawley Jr.
1/22/2010	PHWV	CCMANLHR	Hearing result for Preliminary held on 01/22/2010 08:30 AM: Preliminary Hearing Waived (bound Over)	John Hawley Jr.
	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 02/04/2010 09:00 AM)	John Hawley Jr.
	COMT	CCMANLHR	Commitment	John Hawley Jr.
1/25/2010	INFO	TCRAMISA	Information	Mike Wetherell
1/26/2010	PROS	PRFLEMSM	Prosecutor assigned Heather Reilly	Mike Wetherell
1/27/2010	MFBR	TCBULCEM	Motion For Bond Reduction	Mike Wetherell

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State of Idaho vs. Amber Dawn Stewart

Date	Code	User	Judge
2/4/2010	DCHH	DCOATMAD	Hearing result for Arraignment held on 02/04/2010 09:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	DCOATMAD	Hearing Scheduled (Entry of Plea 02/18/2010 09:00 AM)
	NOPE	DCOATMAD	Notification of Penalties for Escape -- DWP
2/18/2010	DCHH	DCOATMAD	Hearing result for Entry of Plea held on 02/18/2010 09:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50
	HRSC	DCOATMAD	Hearing Scheduled (Motion to Suppress 03/19/2010 10:00 AM)
	PLEA	DCOATMAD	A Plea is entered for charge: - NG (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery)
	PLEA	DCOATMAD	A Plea is entered for charge: - NG (I18-8001 Driving Without Privileges)
	PLEA	DCOATMAD	A Plea is entered for charge: - NG (I37-2732(C)(3) Controlled Substance-possession of)
	HRSC	DCOATMAD	Hearing Scheduled (Jury Trial 04/19/2010 09:00 AM)
	HRSC	DCOATMAD	Hearing Scheduled (Pretrial Conference 04/08/2010 01:30 PM)
		DCOATMAD	Notice of Trial Setting JT4-19-10 -- PTC 4-8-10
2/24/2010	MOTN	TCBULCEM	Motion to Suppress
	AFFD	TCBULCEM	Affidavit of Amber Stewart
	MISC	TCBULCEM	Defendant's Memo in Support of Motion to Suppress
3/16/2010	MISC	TCRAMISA	State's Objection and Memorandum in Response to Defendant's Motion to Suppress
	RSDS	TCPETEJS	State/City Response to Discovery
	RQDS	TCPETEJS	State/City Request for Discovery
3/17/2010	NOTC	TCBULCEM	Notice of Lodging
	AFFD	TCBULCEM	Affidavit of Heather Reilly
3/19/2010	DCHH	DCOATMAD	Hearing result for Motion to Suppress held on 03/19/2010 10:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50
3/29/2010	ORDR	DCOATMAD	Order Denying Motion to Suppress

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ROA Report

Case: CR-FE-2009-0021903 Current Judge: Mike Wetherell

Defendant: Stewart, Amber Dawn

State of Idaho vs. Amber Dawn Stewart

Date	Code	User	Judge
4/8/2010	DCHH	DCOATMAD	Hearing result for Pretrial Conference held on 04/08/2010 01:30 PM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50
	HRVC	DCOATMAD	Hearing result for Jury Trial held on 04/19/2010 09:00 AM: Hearing Vacated
	HRSC	DCOATMAD	Hearing Scheduled (Change of Plea 04/22/2010 10:00 AM)
4/22/2010	DCHH	DCOATMAD	Hearing result for Change of Plea held on 04/22/2010 10:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50
	PLEA	DCOATMAD	A Plea is entered for charge: - GT (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery)
	PLEA	DCOATMAD	A Plea is entered for charge: - GT (I18-8001 Driving Without Privileges)
	DMOP	DCOATMAD	Dismissed by Motion of the Prosecutor with hearing (I37-2732(C)(3) Controlled Substance-possession of)
	DMPW	DCOATMAD	Dismissed by Motion of the Prosecutor without hearing (I37-2732(C)(3) Controlled Substance-possession of)
	PSSA1	DCOATMAD	Order for Presentence Investigation Report and Substance Abuse Assessment
	CONT	DCOATMAD	Continued (Sentencing 06/10/2010 02:30 PM)
	PSMH1	DCOATMAD	Order for Pre-Sentence Investigation Report and Mental Health Assessment
	CONT	DCOATMAD	Continued (Sentencing 06/03/2010 03:30 PM)
	STIP	DCOATMAD	Stipulation for Conditional Guilty Plea
6/3/2010	DCHH	DCOATMAD	Hearing result for Sentencing held on 06/03/2010 03:30 PM: District Court Hearing Held Court Reporter: Nicole Omseberg Number of Transcript Pages for this hearing estimated: less than 50
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery) Confinement terms: Credited time: 3 days. Penitentiary determinate: 5 years. Penitentiary indeterminate: 9 years.
	FIGT	DCOATMAD	Finding of Guilty (I18-8001 Driving Without Privileges)
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I18-8001 Driving Without Privileges) Confinement terms: Jail: 6 months. Credited time: 3 days.
	STAT	DCOATMAD	STATUS CHANGED: closed pending clerk action

00006 A

ROA Report

Case: CR-FE-2009-0021903 Current Judge: Mike Wetherell

Defendant: Stewart, Amber Dawn

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
6/3/2010	SNPF	DCOATMAD	Sentenced To Pay Fine 165.50 charge: I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery	Mike Wetherell
	SNPF	DCOATMAD	Sentenced To Pay Fine 602.50 charge: I18-8001 Driving Without Privileges	Mike Wetherell
	RESR	DCOATMAD	Restitution Recommended by the Prosecutor's office. 100.00 victim # 1	Mike Wetherell
	AMJD	DCOATMAD	Amended Judgment Sentence modified on 9/9/2010. (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery)	Mike Wetherell
6/4/2010	APSC	TCRAMISA	Appealed To The Supreme Court	Mike Wetherell
6/7/2010	BNDE	DCABBOSM	Surety Bond Exonerated (Amount 5,000.00)	Mike Wetherell
	JDMT	DCABBOSM	Judgment of Conviction and Order Retaining Jurisdiction	Mike Wetherell
	ORDR	DCABBOSM	Order for Restitution	Mike Wetherell
6/8/2010	ORDR	DCOATMAD	Order Appointing State Appellate Public Defender on Direct Appeal	Mike Wetherell
8/23/2010	HRSC	DCOATMAD	Hearing Scheduled (Rider Review 09/09/2010 01:30 PM)	Mike Wetherell
		DCOATMAD	Order to Transport 9/9/10	Mike Wetherell
9/9/2010	DCHH	DCOATMAD	Hearing result for Rider Review held on 09/09/2010 01:30 PM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	FIGT	DCOATMAD	Finding of Guilty (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery)	Mike Wetherell
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery) Confinement terms: Credited time: 101 days. Penitentiary determinate: 4 years. Penitentiary indeterminate: 10 years.	Mike Wetherell
	MISC	DCDANSEL	CORRECTED Judgment of Conviction and Order Retaining Jurisdiction	Mike Wetherell
9/10/2010	ORDR	DCABBOSM	Order Relinquishing Jurisdiction and Reducing Sentence	Mike Wetherell
9/14/2010	APSC	TCRAMISA	Appealed To The Supreme Court	Mike Wetherell
9/15/2010	ORDR	DCOATMAD	Order Appointing State Appellate PD on Appeal	Mike Wetherell

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DR # 09-003224

NO. _____
A.M. _____ FILED 12:40

NOV 23 2009

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Whitney A. Faulkner or Brent Ferguson
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. CR-FE-2009-0021903

COMPLAINT

Stewart's DOB: [REDACTED]

Stewart's SSN: [REDACTED]

PERSONALLY APPEARED Before me this 23rd day of November 2009, Whitney A. Faulkner or Brent Ferguson, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did commit the crimes of: I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c) II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) and III. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c) as follows:

COUNT I

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

COUNT II

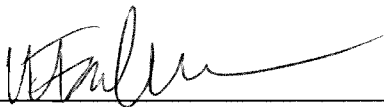
That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did drive a motor vehicle, to-wit: a Jeep Cherokee, upon a highway, to-wit: Chinden and 37th, knowing her operator's license or permit was suspended in Idaho.

COUNT III

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I(d)(19) controlled substance.

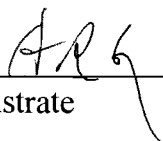
All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Whitney A. Faulkner or Brent Ferguson
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 23 day of November 2009.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

NOV 23 2009

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. CRFE 09-21903

VS.

CLERK _____

Stewart, Amber Dawn

DATE 11-21-09 TIME _____

PROSECUTOR H. Reilly

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. _____ BEG. 1:16 p

END 1:19

JUDGE

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input checked="" type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ WITNESS SWORN
- ☒ PC FOUND _____
- ☐ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

press c/s (fel)

DWP

press mary

PL

11/21/2009

Will

00009

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2009-0021903

DOB: [REDACTED]

Scheduled Event: Video Arraignment Monday, November 23, 2009 01:30 PM

Judge: Daniel L Steckel Clerk: Ke Interpreter: _____

Prosecuting Agency: X AC _____ BC _____ GC _____ MC _____ Pros: B. Ellsworth

PD Attorney: A. Moore

- 1 137-2732(C)(1) Controlled Substance-Possession of F
- 2 118-8001 Driving Without Privileges M
- 3 137-2732(C)(3) Controlled Substance-possession of M

141441 Case Called Defendant: X Present _____ Not Present X In Custody

_____ Advised of Rights _____ Waived Rights X PD Appointed _____ Waived Attorney

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty

X Bond \$ 5000.00 _____ ROR _____ Pay / Stay _____ Payment Agreement

_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order

PD App'd -

Advised of charges

PH : 12/7 / 09 @ 830am
w/ Hawley

Bond argument -

Finish () Release Defendant

DR # 09-003224

953

DEC 7 - 2009

J E D

2/1/10

GREG H. BOWER
Ada County Prosecuting Attorney

Tanner J. Stellmon
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. CR-FE-2009-0021903

AMENDED COMPLAINT

Stewart's DOB: [REDACTED]

Stewart's SSN: [REDACTED]

PERSONALLY APPEARED Before me this 7th day of December 2009, Tanner J. Stellmon, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did commit the crimes of: I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) and III. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c) as follows:

COUNT I

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance, with the intent to deliver the aforementioned controlled substance.

COUNT II

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did drive a motor vehicle, to-wit: a Jeep Cherokee, upon a highway, to-wit: Chinden and 37th, knowing her operator's license or permit was suspended in Idaho.

COUNT III

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I(d)(19) controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

GREG H. BOWER
Ada County Prosecutor



Tanner J. Stellmon
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 7th day of December 2009.



Magistrate

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2009-0021903

DOB: [REDACTED]

Scheduled Event: Preliminary Monday, December 07, 2009 08:30 AM

Judge: John Hawley Jr.

Clerk: MARILYN EDWARDS

Interpreter: _____

Prosecuting Agency: X AC _____ BC _____ GC _____ MC _____

Pros: Donner Stellman

(B) PD Attorney: Ann Costo

- 1 I37-2732(C)(1) Controlled Substance-Possession of F
- 2 I18-8001 Driving Without Privileges M
- 3 I37-2732(C)(3) Controlled Substance-possession of M

095223

Case Called Defendant: X Present _____ Not Present _____ In Custody _____

_____ Advised of Rights _____ Waived Rights _____ PD Appointed _____ Waived Attorney _____

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty _____

/ Bond \$ 5000 _____ ROR _____ Pay / Stay _____ Payment Agreement _____

_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order _____

1- amended Complaint
1- no Lab

2- no py -

Reset 12/29/09 @ 830am

095358

Finish () Release Defendant _____

00013

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2009-0021903

DOB: [REDACTED]

Scheduled Event: Preliminary Tuesday, December 29, 2009 08:30 AM

Judge: John Hawley Jr.

Clerk: H. MANLEY

Interpreter: _____

Prosecuting Agency: (AC) BC GC MC

Pros: Tanner Stillman

(PD) Attorney: Anne Cosho

- 1 I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery F
- 2 I18-8001 Driving Without Privileges M
- 3 I37-2732(C)(3) Controlled Substance-possession of M

92827 Case Called Defendant: / Present Not Present In Custody

/ Advised of Rights Waived Rights PD Appointed Waived Attorney

Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty

/ Bond \$ 5000- ROR Pay / Stay Payment Agreement

In Chambers PT Memo Written Guilty Plea No Contact Order

#1 req s/o - need lab reports

#2 no obj

Case reset to 1-22-10 @ 8:30 am

92836

Finish () Release Defendant

JAN 22 2010

J. DAVID NAVARRO, Clerk
By H. MANLEY
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Tanner J. Stellmon
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2009-0021903
)	
vs.	)	COMMITMENT
	)	Defendant's DOB: [REDACTED]
AMBER DAWN STEWART,	)	Defendant's SSN: [REDACTED]
)	
Defendant.)	
_____)	

THE ABOVE NAMED DEFENDANT, AMBER DAWN STEWART, having been brought before this Court for a Preliminary Examination on the 22 day of JAN 2009, on a charge that the Defendant on or about the 21st day of November 2009, in the County of Ada, State of Idaho, did commit the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) and III. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c), as follows:

COUNT I

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance, with the intent to deliver the aforementioned controlled substance.

COUNT II

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did drive a motor vehicle, to-wit: a Jeep Cherokee, upon a highway, to-wit: Chinden and 37th, knowing her operator's license or permit was suspended in Idaho.

COUNT III

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I(d)(19) controlled substance.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ _____.

DATED this 27 day of JAN, 2010 ~~December~~ 2009.


MAGISTRATE

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2009-0021903

DOB: [REDACTED]

Scheduled Event: Preliminary Friday, January 22, 2010 08:30 AM

Judge: John Hawley Jr. Clerk: H. MANLEY Interpreter: _____

Prosecuting Agency: (AC) BC GC MC Pros: Tanner Stellman
(PD) Attorney: Anne Cosho

- 1 I37-2732(A)(1)(A)-DEL Controlled Substance-Delivery F
- 2 I18-8001 Driving Without Privileges M
- 3 I37-2732(C)(3) Controlled Substance-possession of M

92564 Case Called Defendant: ☒ Present ☐ Not Present ☐ In Custody
☐ Advised of Rights ☐ Waived Rights ☐ PD Appointed ☐ Waived Attorney
☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty
☒ Bond \$ 5000 ☐ ROR ☐ Pay / Stay ☐ Payment Agreement
☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

D Waives Phrg

B/o Wetherell 2-4-10 @ 9:00 am

Comm Signed

92742

Finish () Release Defendant

JAN 25 2010

J. DAVID NAVASCO, Clerk
By SCARLETT RAMIREZ
CLERK

GREG H. BOWER

Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2009-0021903
)	
vs.	)	I N F O R M A T I O N
)	
	)	Defendant's DOB: [REDACTED]
AMBER DAWN STEWART,	)	Defendant's SSN: [REDACTED]
)	
Defendant.)	
_____)	

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that AMBER DAWN STEWART is accused by this Information of the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. §37-2732(a) II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. §18-8001(3) and III. POSSESSION OF A CONTROLLED SUBSTANCE, MISDEMEANOR, I.C. §37-2732(c) which crimes were committed as follows:

✓ COUNT I

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance, with the intent to deliver the aforementioned controlled substance.

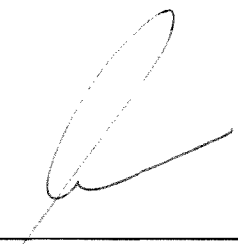
✓ COUNT II

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did drive a motor vehicle, to-wit: a Jeep Cherokee, upon a highway, to-wit: Chinden and 37th, knowing her operator's license or permit was suspended in Idaho.

COUNT III

That the Defendant, AMBER DAWN STEWART, on or about the 21st day of November, 2009, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Marijuana, a Schedule I(d)(19) controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____ FILED _____
A.M. _____ P.M. _____
JAN 27 2010
J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

STATE OF IDAHO,
Plaintiff

vs.

AMBER DAWN STEWART,
Defendant.

Case No. CR-FE-2009-0021903

MOTION FOR BOND REDUCTION

COMES NOW, AMBER DAWN STEWART, the above-named defendant, by and through counsel ANTHONY R GEDDES, Ada County Public Defender's office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond, and for the reason that the defendant has thereby been effectively denied their right to bail.

DATED, Wednesday, January 27, 2010.



ANTHONY R GEDDES
Attorney for Defendant

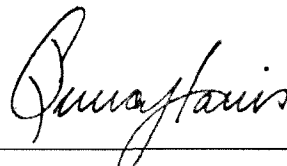
CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on Wednesday, January 27, 2010, I mailed a true and correct copy of the within instrument to:

HEATHER REILLY
Counsel for the State of Idaho

by placing said same in the Interdepartmental Mail.


MOTION FOR BOND REDUCTION



00020

Session: Wetherell020410
Session Date: 2010/02/04
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:38

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorney(s):

Buttram, Tessie
Morrison, Monica
Reilly, Heather
Welsh, Whitney
Wittwer, Kai

Public Defender(s):

Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0004

Case number: FE0921903

Plaintiff:

Plaintiff Attorney:

Defendant: Stewart, Amber

Co-Defendant(s):

Pers. Attorney:

State Attorney: Reilly, Heather

Public Defender: Geddes, Anthony

2010/02/04

09:18:29 - Operator

Recording:

09:18:29 - New case

Stewart, Amber

09:18:47 - Judge: Wetherell, Mike

Ct calls cse; def present on bond w/counsel

09:18:58 - Judge: Wetherell, Mike

Ct delivers to def notification of subsequent penalties DWP--arrg's def

09:22:20 - Public Defender: Geddes, Anthony

req two weeks

00021

09:22:27 - Judge: Wetherell, Mike
Feb 18 at 9:00 entry of plea

09:22:50 - Operator
Stop recording:

Session: Wetherell021810
Session Date: 2010/02/18
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:12

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Fisher, Jean
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0018

Case number: Fe0921903
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Wittwer, Kai
Public Defender: Geddes, Anthony

2010/02/18

10:42:54 - Operator

Recording:

10:42:54 - New case

Stewart, Amber

10:43:01 - Judge: Wetherell, Mike

Ct calls case; def present on bond w/counsel

10:43:11 - Public Defender: Geddes, Anthony
not guilty plea

10:43:43 - Judge: Wetherell, Mike

April 19, 2010 at 9:00 trial; April 8 at 1:30 pretrial

00023

10:44:14 - Judge: Wetherell, Mike

Motion to suppress March 19 at 10:00

10:44:45 - Judge: Wetherell, Mike

Ct adv counsel motion to be filed by March 4, response 11th -- argument on

10:44:59 - Judge: Wetherell, Mike

the 18th

10:45:20 - Operator

Stop recording:

FEB 24 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN DAVIS,

Defendant.

Case No. CR-FE-2009-0021903

MOTION TO SUPPRESS

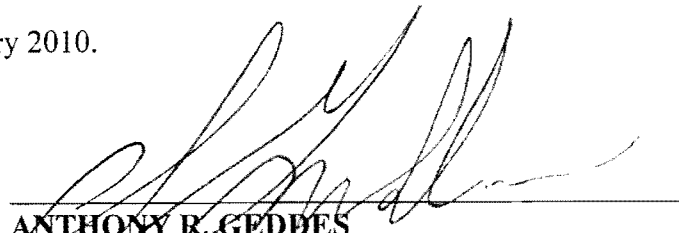
COMES NOW, AMBER DAWN DAVIS, Defendant above-named, by and through counsel ANTHONY R. GEDDES, Ada County Public Defender's office, and moves this Court pursuant to ICR 12(b) for an ORDER suppressing any and all evidence illegally seized from Defendant's vehicle and any and all subsequent admissions, confessions, and/or statements made by the defendant.

Defendant's motion is made upon the grounds that the search of the defendant's vehicle was in violation of *Arizona v. Gant*, 129 S.Ct. 1710 (2009), and for the reasons contained in Defendant's supporting memorandum, which is now on file with the Court.

MOTION TO SUPPRESS

00025

DATED, this 23 day of February 2010.


ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 24 day of February 2010, I mailed a true and correct copy of the within instrument to:

HEATHER REILLY
Ada County Prosecutor's Office

by placing said same in the Interdepartmental Mail.


Jacob R. Precht

Session: Wetherell031910
Session Date: 2010/03/19
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 09:01

Courtroom: CR504

Clerk(s):
Oatman, Diane

State Attorney(s):
Reilly, Heather

Public Defender(s):
Geddes, Anthony

Prob. Officer(s):

Court interpreter(s):

Case ID: 0001

Case number: CRFE200921903
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: Geddes, Anthony

2010/03/19

10:01:32 - Operator
Recording:
10:01:32 - New case
Stewart, Amber
10:01:48 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
10:01:59 - Public Defender: Geddes, Anthony
Motion to suppress -- relies on brief
10:02:52 - Judge: Wetherell, Mike
Ct inquires re: burden of proof upon defense w/ref to motion to suppress
10:04:00 - Public Defender: Geddes, Anthony
response
10:04:03 - State Attorney: Reilly, Heather
will leave in Ct's discretion
10:04:27 - Judge: Wetherell, Mike
Ct adv defense to move forward w/motion to suppress
10:04:59 - State Attorney: Reilly, Heather
Moves to exclude
10:05:07 - Judge: Wetherell, Mike
Ct will excludes witnesses
10:05:34 - Public Defender: Geddes, Anthony
no other witnesses
10:05:45 - Other: Stewart, Amber

00027

Sworn - D-X by Mr. Geddes, def in this case
10:07:02 - Other: Stewart, Amber
testimony on evening in question -- pulled over by officer--failure to use
10:08:16 - Other: Stewart, Amber
turn signal -- evenutal arrest
10:12:16 - State Attorney: Reilly, Heather
cross-examination
10:13:07 - Public Defender: Geddes, Anthony
inquiries re: reason for questions
10:13:21 - Judge: Wetherell, Mike
Ct will allow State to ask questions she feels appropriate
10:19:41 - Public Defender: Geddes, Anthony
redirect examination
10:21:30 - State Attorney: Reilly, Heather
objection
10:21:34 - Public Defender: Geddes, Anthony
will rephrase question
10:22:05 - State Attorney: Reilly, Heather
redirect examination
10:22:14 - Public Defender: Geddes, Anthony
relevancy
10:22:18 - Judge: Wetherell, Mike
Ct notes defense raised issue
10:22:29 - Public Defender: Geddes, Anthony
cont'd argument
10:22:42 - Judge: Wetherell, Mike
Ct will allow question
10:24:07 - Other: Stewart, Amber
steps down
10:24:27 - State Attorney: Reilly, Heather
10:25:34 - State Attorney: Reilly, Heather
Calls Office Leon Dennis, sworn - D-X - training _experience
10:26:05 - Other: Dennis, Leon
Duties and responsibilities
10:27:15 - Other: Dennis, Leon
Events on Nov 29, 2009 -- observed vehicle did not use turn signal--traffic
10:28:46 - Other: Dennis, Leon
stop on vehicle, audio recording of officer and def
10:31:32 - Other: Dennis, Leon
records check revealed susp'd driving priv -- def placed under arrest
10:33:28 - Other: Dennis, Leon
Procedure for towing of vehicle
10:33:42 - State Attorney: Reilly, Heather
reference to exhibits attached to affidavit
10:36:06 - State Attorney: Reilly, Heather
Moves State's 1 -- no obj -- published
10:36:23 - Judge: Wetherell, Mike
Ct notes reptr excused from realtime transcription
10:39:16 - Judge: Wetherell, Mike
recess
10:39:22 - Operator
Stop recording:
10:42:42 - Operator
Recording:
10:42:42 - Record
Stewart, Amber
10:42:49 - Judge: Wetherell, Mike
Ct notes computer now in operation -- State's 1 published

10:52:17 - State Attorney: Reilly, Heather
cont'd direct examination

11:05:11 - State Attorney: Reilly, Heather
State's B-2 delivered to witness -- attached to aff'd filed with the Court

11:06:21 - State Attorney: Reilly, Heather
A-2 provided to witness and A-1 also attached to aff'd

11:07:19 - State Attorney: Reilly, Heather
moves to admit A-1 and A-2 as attached to memorandum in support

11:07:38 - Public Defender: Geddes, Anthony
no objection

11:07:40 - Judge: Wetherell, Mike
Admitted

11:09:23 - State Attorney: Reilly, Heather
moves B-2, no objection

11:09:30 - Judge: Wetherell, Mike
Admitted

11:10:28 - State Attorney: Reilly, Heather
B-1 provided to witness

11:11:09 - State Attorney: Reilly, Heather
moves B-1, no objection -- admitted

11:18:03 - Public Defender: Geddes, Anthony
cross-examination

11:22:53 - State Attorney: Reilly, Heather
inquires in aid of objection

11:28:39 - Other: Dennis, Leon
steps down and excused

11:29:13 - Public Defender: Geddes, Anthony
Argument

11:36:14 - Judge: Wetherell, Mike
Ct inquires interspersed

11:47:38 - Judge: Wetherell, Mike
Ct inquires as to towing procedure

11:48:02 - Public Defender: Geddes, Anthony
response

11:54:48 - State Attorney: Reilly, Heather
Response argument

12:01:00 - Judge: Wetherell, Mike
Ct inquires interspersed

12:06:32 - Public Defender: Geddes, Anthony
rebuttal

12:09:15 - Judge: Wetherell, Mike
Ct will take issue under advisement

12:16:04 - Operator
Stop recording:

MAR 29 2010

J. DAVID NAVARRO, Clerk
By: [Signature]
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. CR-FE-2009-0021903

ORDER DENYING MOTION TO
SUPPRESS

Currently before the Court is the Defendant's Motion to Suppress. A hearing was held on this matter on March 19, 2010. This matter now having been fully submitted, and based on the reasoning below, Defendant's Motion to Suppress will be denied.

STANDARD OF REVIEW

The standard of review on a suppression motion is bifurcated into questions of fact and questions of law. The trial court's determinations of fact are upheld if supported by "substantial evidence," or "unless clearly erroneous." *State v. Atkinson*, 128 Idaho 559, 561, 916 P.2d 1284, 1286 (Ct. App. 1996), *State v. Peters*, 130 Idaho 960, 961, 950 P.2d 1299 (Ct. App. 1997). The power to assess the credibility of witnesses, resolve factual conflicts, weigh evidence, and draw factual inferences at a suppression hearing is vested in the trial court. *State v. Conant*, 143 Idaho 797, 799, 153 P.3d 477 (2007), citing *State v. Valdez-Molina*, 127 Idaho 102, 106, 897 P.2d 993, 997 (1995). The trial court, unlike a reviewing court, was physically present for testimony and presentation of evidence. As such, the trial court makes its findings based on many observations

that a court reviewing a cold transcript is unable to grasp, such as the demeanor and physical manifestations of a witness. Thus, even if the factual evidence is “equivocal and somewhat in dispute, if the trial court’s finding of fact is based on reasonable inferences that may be drawn from the record, it will not be disturbed on appeal.” *State v. Bottleson*, 102 Idaho 90, 625 P.2d 1093 (1981).

Next, the Court must review questions of law. “[C]onstitutional principles and conclusions are reviewed ‘freely’.” *Atkinson*, 128 Idaho at 561. This inquiry includes “review of the determination as to whether constitutional requirements have been satisfied in light of the facts found.” *State v. Klingler*, 143 Idaho 494, 495096, 148 P.3d 1240 1241-42 (2006).

FINDINGS OF FACT

On November 21, 2009, at approximately midnight, Officer Dennis of the Garden city Police Department observed the Defendant’s vehicle exiting the parking lot of the 7K Motel in Garden City, Ada County, State of Idaho. Officer Dennis testified that he observed the Defendant fail to use her turn signal when turning from the parking lot onto the main thoroughfare. The Defendant testified that she used her turn signal.

Officer Dennis pulled behind the Defendant’s vehicle and initiated a traffic stop. The Defendant pulled over in a Chevron parking lot and immediately called some of her friends at the 7K Motel. The Defendant was the sole occupant and driver of the vehicle. The officer approached and informed the Defendant that she failed to use her turn signal. The Defendant did not dispute the officer’s claim. At the hearing the Defendant testified that she was aware that her license was suspended and that she did not have any insurance. On this basis the Defendant bolsters her claim that she was sure she used her turn signal in an abundance of caution. She further testified that she did not make any representations that she had proof of insurance, possibly, at her place of residence. However, the audio recording introduced at the hearing

clearly records the officer requesting proof of insurance, and upon being presented with expired insurance, he asked if she had any other proof, to which she replied: "I might have it at home." The Court finds this conflicting evidence reflects poorly on the Defendant's credibility.

The Defendant provided an I.D. card, and Officer Dennis performed a driver's license check, which revealed the Defendant was operating her vehicle with a suspended license due to failure to maintain insurance. Officer Dennis decided to take the Defendant into custody for Driving Without Privileges, and requested another officer to assist in the arrest. The Defendant was placed in restraints and was placed in the patrol vehicle. Officer Dennis testified that he requested a tow vehicle via dispatch minutes after the Defendant was placed under arrest.

Officer Dennis then performed an inventory search. He opened the driver-side door and on top of numerous papers in the door pocket he noticed a small, white, circular tin. Officer Dennis opened the tin and immediately recognized the odor of marijuana. Also inside, he noticed two (2) bindles/baggies containing a white, crystalline substance. One of the baggies was tested with a NIK kit on site, which resulted in a presumptive positive result of methamphetamine.

Officer Dennis then returned to speak with the Defendant in custody, mirandized her, and asked her about the drugs in the vehicle. The Defendant immediately admitted to possession of the controlled substances, as well as her practice of selling methamphetamine to make extra money to pay off her car. In addition to the previous charges for which she was taken into custody initially, the Defendant was also charged with Possession of a Controlled Substance with Intent to Deliver, Felony, and Misdemeanor Possession of a Controlled Substance. The Defendant claims that she was not informed that her car was going to be towed until after the officers confronted her with the drugs found in the vehicle.

However, she apparently had some idea that she was going to be unable to take her car, because she had called her friends to retrieve the vehicle. At some point while the Defendant was being placed under arrest, two of her friends arrived with the intent to take possession of the vehicle. The Defendant testified that her friend was insured and able to drive the Defendant's car, despite her car being uninsured. However, the officers did not allow the friends to assist in taking the vehicle. On this issue, Officer Dennis testified that he chose to tow the vehicle because it was permitted under the policy, where there was an arrest made. In addition, Officer Dennis testified that he made the decision based on the lack of insurance, and the location of the vehicle. Officer Dennis testified that he usually requests a tow when the policy allows, that it is easier than dealing with the alternatives, and that in 80% of his arrests involving a vehicle, the vehicle is towed.

DISCUSSION

The Defendant does not dispute the grounds for her arrest. However, relying mainly on *Arizona v. Gant*, the Defendant argues that the warrantless search of her vehicle was unlawful and unconstitutional; and urges the Court to suppress the evidence obtained in the search.

The Fourth Amendment of the United States Constitution and similar provisions in the Idaho Constitution prohibit unreasonable search and seizure of persons and their property. U.S. Const. Am. IV; Idaho Const. Art. I, § 17. The laws of this State and Nation are clear; when evidence is obtained in violation of these provisions, "the judicially developed exclusionary rule usually precludes its use in a criminal proceeding against the victim of the illegal search and seizure." *Arizona v. Gant. Id.*, __ U.S. __. 129 S.Ct. 1710, 1716 (2009); *Illinois v. Krull*, 480 U.S. 340, 347 (1987); *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961); *Weeks v. United States*, 232 U.S. 383 (1914). In order to successfully suppress evidence, a "Defendant need only show that, on the events that did take place, the discovery of the evidence was a

product or result of the unlawful police conduct[,]" in violation of these rights. *State v. McBaine*, 144 Idaho 130, 134, 157 P.3d 1101, 1105 (Ct. App. 2007).

A Fourth Amendment analysis begins with the basic assumption that searches and seizures "conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment--subject only to a few specifically established and well-delineated exceptions." *Gant* at 1716 (citing *Katz v. United States*, 389 U.S. 347, 357, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967)). In this analysis, "the State bears the burden to demonstrate that a warrantless search either fell within a well-recognized exception to the warrant requirement or was otherwise reasonable under the circumstances." *Id.* at 1716 (citing *State v. Martinez*, 129 Idaho 426, 431, 925 P.2d 1125, 1130 (Ct. App. 1996)).

In *Gant* the court addressed the constitutionality of the common police practice of unregulated vehicle searches for routine traffic violations. *Id.* The court rejected the expansive interpretation of cases such as *Chimel v. California*, 395 U.S. 752, 89 S.Ct. 2034, 23 L.Ed.2d 685 (1969) and *New York v. Belton*, 453 U.S. 454, 101 S.Ct. 2860, 69 L.Ed.2d 768 (1981) and held that police only have the authority to search a vehicle incident to arrest when (1) the arrestee is "unsecured and within reaching distance of the passenger compartment at the time of the search[;]" or (2) where "circumstances unique to the automobile context justify a search incident to arrest when it is reasonable to believe that evidence of the offense of arrest might be found in the vehicle." *Id.* at 1719, 1714. The court also clearly stressed that there are "other circumstances in which safety or evidentiary interests would justify a search." *Id.* at 1721.

The defendant in *Gant* was first observed at a residence suspected of drug activity. *Id.* at 1715. Officers ran a check on his license plates and verified that the defendant's license was suspended. When that defendant began driving his vehicle he was stopped and arrested for driving with a suspended license. *Id.* The officers then searched his vehicle incident to that

arrest, unrelated to drug activity. *Id.* Like the defendant in *Gant* this Defendant was arrested when it became apparent that she was driving without privileges, an arrestable offense and misdemeanor under I.C. § 18-8001(3). However, unlike the search in *Gant*, this Defendant's automobile was not searched pursuant to that arrest. In contrast to *Gant*, this Defendant's vehicle was going to be towed. Officer Dennis testified that he was not investigating any suspected drug activity, but rather performed the search for inventory purposes, pursuant to the established policy of the GCPD.

"Inventory searches are one such well-established exception to the warrant requirement of the Fourth Amendment" and fall into the "other circumstances" described in *Gant*. *State v. Owen*, 143 Idaho 274, 141 P.3d 1143 (Ct. App. 2006); *Gant* at 1721; see also *Colorado v. Bertine*, 479 U.S. 367, 371, 107 S.Ct. 738, 741 (1987); *State v. Foster*, 127 Idaho 723, 726, 905 P.2d 1032, 1035 (Ct.App.1995); *State v. Bray*, 122 Idaho 375, 379, 834 P.2d 892, 896 (Ct.App.1992). "Such warrantless inventory searches, when conducted in compliance with standard and established police procedures and not as a pretext for criminal investigation, do not offend Fourth Amendment strictures against unreasonable searches and seizures." *State v. Owen*, 143 Idaho 274, 277, 141 P.3d 1143, 1146 (Ct. App. 2006). Such a search is a legitimate means to safeguard owner's property, prevent claims against police for stolen or lost property, and to protect officers and others from dangerous materials which may be inside the vehicle. *Id.*

In order for an inventory search to be a valid exception to the warrant requirement, the possession of the vehicle and impoundment must be lawful. *Foster*, 127 Idaho 723, 905 P.2d 1032 (Ct. App. 1995); *State v. Weaver*, 127 Idaho 288, 900 P.2d 196 (S. Ct. 1995). In *Foster*, the defendant was validly arrested, and the defendant's car was parked off the street on a private driveway at a duplex rented by an acquaintance. *Id.* at 727, 1026. It was not illegally parked or interfering with traffic, and there was no evidence that anyone objected to the vehicle's location.

Id. The court found there was no reasonable basis to impound the vehicle and the evidence found in the search was suppressed. *Id.* In *Weaver*, the defendant was lawfully arrested while driving a vehicle with his elderly mother. The officers decided to impound the vehicle, unaware that it actually belonged to the elderly mother, who was capable and willing to retain custody of the vehicle. *Id.* The court found that impounding unreasonable.

In this case the Defendant was lawfully arrested. She was alone, and her vehicle was stopped in a parking lot, open to the public. Garden City Police Department Procedure 2.004.7(1)(A-C) echoes the case law concern for inventory search, noting the GCPD's concern for protecting property of the owner, protecting themselves against theft claims, and discovering potential danger. Garden City Police Department Procedure 4.608.2(2)(C) authorizes an officer to impound a vehicle when the driver has been taken into custody and the vehicle is left unsecured. Garden City Police Department Procedure 4.608.3(1)(c) requires officer to perform an inventory search, including glove compartments, unlocked containers, and the trunk.

Officer Dennis testified that he made the decision to tow the vehicle pursuant to these policies and procedures. In addition, Officer Dennis testified that it is his usual practice to tow a vehicle after an arrest, because it is easier for him. In this instance the officers were under no obligation to trust any alleged representations of the Defendant's friends, that they had valid insurance to take lawful possession of the vehicle. The Court finds this policy and procedure reasonable and legitimate. There is no indication that these policies were employed as a back-door approach in a narcotics investigation. Indeed, they had existed since 1987 and were last revised in December of 2003, well before *Gant* was decided in 2009. It cannot be seriously argued they were put into place to circumvent the decision in that case. Further, Officer Dennis testified that, had his concerns been interdiction of illicit substances, he would have requested a drug dog.

The Court finds the impoundment and search objectively reasonable under all the circumstances known to the police when the decision to impound was made. Accordingly, the inventory search is valid and the evidence obtained therefrom will not be suppressed.

CONCLUSION

In accordance with the reasoning set forth above, Defendant's Motion to Suppress is DENIED.

SO ORDERED AND DATED this 20th day of March 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on this 29 day of March 2010,
I mailed(served) a true and correct copy of the within
instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

J. David Navarro
Clerk of the District Court

By 
Deputy Court Clerk

Session: Wetherell040810
Session Date: 2010/04/08
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:52

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Hemmer, Casey
Morrison, Monica
Reilly, Heather
Welsh, Whitney

Public Defender(s):
Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0021

Case number: FE0921903
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Morrison, Monica
Public Defender: Geddes, Anthony

2010/04/08

14:07:17 - Operator
Recording:
14:07:17 - New case
Stewart, Amber
14:07:34 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
14:07:43 - Public Defender: Geddes, Anthony
in light of denial of motion to suppress--no intention of going to trial--new
14:08:08 - Public Defender: Geddes, Anthony
case now set for April 22 --req both set at the same time

14:08:42 - Judge: Wetherell, Mike
Ct will set both on April 22 at 10:00
14:10:20 - Operator
Stop recording:

Session: Wetherell042210
Session Date: 2010/04/22
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:41

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorney(s):

Buttram, Tessie
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):

Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case number: FE103077/0921903

Plaintiff:

Plaintiff Attorney:

Defendant: Stewart, Amber

Co-Defendant(s):

Pers. Attorney:

State Attorney: Reilly, Heather

Public Defender: Geddes, Anthony

2010/04/22

11:27:30 - Operator

Recording:

11:27:30 - New case

Stewart, Amber

11:27:42 - Judge: Wetherell, Mike

Ct calls both cases; def present on bond w/counsel

11:27:58 - Judge: Wetherell, Mike

Ct arrg def on new charge FE10-3077

11:29:27 - Public Defender: Geddes, Anthony

def to plead gg in 09 case w/right to appeal denial of motion to suppress

11:30:00 - Public Defender: Geddes, Anthony

00040

FE10003077 -- gg to charge, open to argument at dispo, cooperate with PSI

11:35:01 - Judge: Wetherell, Mike

Def to plea gg to Counts I and II (CT III to be dismissed)

11:40:47 - Defendant: Stewart, Amber

sworn and examined by the Court

11:52:28 - Judge: Wetherell, Mike

Ct accepts gg pleas; orders PSI; 19-2524 substance abuse and mental health

11:52:46 - Judge: Wetherell, Mike

evaluations -- June 3, 2010 at 3:30 sentencing

11:54:34 - Operator

Stop recording:

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

NO. _____
FILED _____
A.M. _____ P.M. 2:30

APR 23 2010

By J. DAVID NAVARRO Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. CR-FE-2009-0021903

STIPULATION FOR CONDITIONAL
GUILTY PLEA

The parties above-named, by and through undersigned counsel, come now and hereby stipulate and agree, pursuant to Idaho Criminal Rule 11(a)(2), to the following:

- 1) With approval of the Court, the defendant shall enter a conditional plea of "guilty" in the above-entitled case number.
- 2) The defendant's conditional plea of "guilty" shall reserve in writing the right, on appeal from judgment, to review the Court's adverse ruling on the defendant's MOTION TO SUPPRESS.
- 3) If the defendant prevails on appeal, the defendant shall be allowed to withdraw ^{her} ~~his~~ conditional plea of "guilty" pursuant to Idaho Criminal Rule 11(a)(2).

DATED, this 22 day of March 2010.

Heather Reilly
HEATHER REILLY
Deputy Prosecutor

Amber Dawn Stewart
AMBER DAWN STEWART
Defendant

Anthony R. Geddes
ANTHONY R. GEDDES
Attorney for Defendant

Approved 4/22/2010
[Signature]

STIPULATION FOR PLEA AGREEMENT

00042

Session: Wetherell060310
Session Date: 2010/06/03
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:21

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorney(s):

Buttram, Tessie
Guzman, Cathy
Morrison, Monica
Reilly, Heather
Welsh, Whitney
Wittwer, Kai

Public Defender(s):

Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0031

Case number: FE103077/0921903

Plaintiff:

Plaintiff Attorney:

Defendant: Stewart, Amber

Co-Defendant(s):

Pers. Attorney:

State Attorney: Reilly, Heather

Public Defender: Geddes, Anthony

2010/06/03

16:04:53 - Operator

Recording:

16:04:53 - New case

Stewart, Amber

16:05:35 - Judge: Wetherell, Mike

Ct calls both cases; def present on bond w/counsel

16:05:44 - Judge: Wetherell, Mike

Ct revws file

16:10:40 - State Attorney: Reilly, Heather

00043

restitution \$100 lab costs
16:10:49 - Public Defender: Geddes, Anthony
stip to restitution
16:13:19 - State Attorney: Reilly, Heather
comments/rec'd impose retained jurisdiction for evaluation purp
16:17:04 - Judge: Wetherell, Mike
On FE09 21903 -- 3+7 for 10yrs On FE10-3077 3+7 for 10yrs w/retained
16:17:45 - Judge: Wetherell, Mike
jurisdiction -- depending on her performance on rider, State may seek fine
16:18:14 - Public Defender: Geddes, Anthony
comments/rec'd rider
16:22:51 - Defendant: Stewart, Amber
addresses the Court
16:22:58 - Public Defender: Geddes, Anthony
no legal cause
16:23:00 - Judge: Wetherell, Mike
FE0921903 -- 5 + 9 for 14yrs CTS 3d -- Count II 6months ACJ cclly w/Count I
16:29:47 - Judge: Wetherell, Mike
FE10-3077 -- 14yrs 4+10 CTS 4d -- cclly with FE0921903 -- Ct retains
16:30:38 - Judge: Wetherell, Mike
jurisdiction -- places def on rider, rec'd programs--psychological eval
16:31:15 - Judge: Wetherell, Mike
during RDU prog, rec'd medications as deemed necessary--appeal rights
16:34:31 - Operator
Stop recording:

JUN 04 2010

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-FE-2009-0021903
)	
	)	NOTICE OF APPEAL
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above named Defendant, appeals against the State of Idaho to the Idaho Supreme Court from the final Decision and Order entered against him in the above-entitled action on the 29th day of March, 2010, the Honorable Mike Wetherell, District Judge, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the Judgment described in paragraph one (1) above is appealable pursuant to I.A.R. 11(c)(1).
3. That the Defendant requests the entire reporter's standard transcript as defined in Rule 25(a), I.A.R.

NOTICE OF APPEAL, Page 1

00045

4. The Defendant also requests the preparation of the following additional portions of the reporter's transcript:

Hearing held: March 19, 2010
Court Reporter: N. Omsberg
Number of Transcript Pages for this
hearing estimated: less than 50

5. The Defendant requests that the clerk's record contain only those documents automatically included as set out in I.A.R. 28(b)(2), including the Briefing and the Judges written decision.

6. I certify:

- a) That a copy of this Notice of Appeal has been served on the reporter.
- b) That the Defendant is exempt from paying the estimated transcript fee because he is an indigent person and is unable to pay said fee.
- c) That the Defendant is exempt from paying the estimated fee for preparation of the record because he is an indigent person and is unable to pay said fee.
- d) That the Defendant is exempt from paying the appellate filing fee because he is indigent and is unable to pay said fee.
- e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

7. That the Defendant anticipates raising issues including, but not limited to:

- a) Did the district court abuse its discretion by denying the defendants Motion to Suppress?

DATED This 4th day of June, 2010.



ANTHONY R. GEDDES

Attorney for Defendant

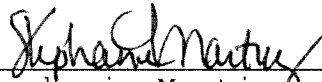
CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 4th day of June, 2010, I mailed
a true and correct copies of the foregoing, NOTICE OF APPEAL to:

LAWRENCE G. WASDEN, ATTORNEY GENERAL, and

N. OMSBERG, HONORABLE JUDGE WETHERELL'S COURT REPORTER

by depositing the same in the Interdepartmental Mail.



Stephanie Martinez

NO. _____ FILED
A.M. 11:41 P.M. _____

JUN - 7 2010

J. DAVID NAVARRO, Clerk
By [Signature] DEPUTY

Greg H. Bower
Ada County Prosecuting Attorney

Heather Reilly
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208)-287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

Amber Dawn Stewart,)

Defendant.)

Case No. CRFE20090021903

**ORDER FOR RESTITUTION
AND JUDGMENT**

WHEREAS, on the 31st day of June, 2010, a Judgment of Conviction was entered against the Defendant, Amber Dawn Stewart; and therefore pursuant to Idaho Code §37-2732(k) and based on evidence presented to this Court;

IT IS HEREBY ORDERED, that the Defendant, Amber Dawn Stewart, shall make restitution to the victim(s) in the following amounts of:

DRUG ENFORCEMENT DONATION ACCOUNT

\$100.00

TOTAL:

\$100.00

Interest on said restitution amount shall be computed at 5.625 % per annum.

FURTHER, pursuant to I.C. 19-5305 this Order may be recorded as a judgment against the Defendant, Amber Dawn Stewart, and the listed victim(s) may execute as provided by law for civil judgments.

IT IS SO ORDERED.

DATED this 3rd day of June, 2010.


Judge

JUN - 7 2010

J. DAVID NAVARRO, Clerk
By [Signature] DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-FE-2009-0021903

JUDGMENT OF CONVICTION
AND ORDER RETAINING
JURISDICTION

WHEREAS, on this 3rd day of June, 2010; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Deputy Prosecuting Attorney, the Defendant, and Anthony Geddes, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on April 22, 2010, to the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(a); and II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. § 18-8001(3), committed on or about November 21, 2009. Count III was dismissed pursuant to plea negotiations.

The Defendant and Defendant's counsel were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and if the Defendant, or Defendant's counsel, wished to make a statement on behalf of the Defendant, or to

present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found no legal cause or reason why judgment and sentence should not be pronounced against the Defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant is guilty of the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(a); and II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. § 18-8001(3), and that she be sentenced as follows:

COUNT I - Defendant is hereby sentenced to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed fourteen (14) years: with the first five (5) years of said term to be FIXED, and with the remaining nine (9) years of said term to be INDETERMINATE. The Defendant shall receive credit for three (3) days served in pre-judgment incarceration toward the FIXED portion of the term as provided by Idaho Code 18-309.

The Court will retain jurisdiction for one hundred eighty (180) days under I.C. § 19-2601(4). The Court recommends that the Defendant participate in any/all cognitive self change programming, substance abuse treatment and such other programs as are deemed appropriate by rider personnel. It is further recommended that the defendant obtain a psychological evaluation during the RDU process. The Court authorizes appropriate care and treatment including medications as deemed necessary and education regarding the continuing need to maintain medications.

COUNT II – The Defendant is hereby ordered to serve one hundred eighty (180) days months in the Ada County Jail, with credit for three (3) days served, leaving a balance of one hundred seventy-seven (177) days to serve, which shall run concurrently with the sentence imposed


in Count I.

IT IS FURTHER ORDERED that pursuant to Idaho Code Section 31-3201A(b) the Defendant shall pay court costs in the amount of \$17.50 on each count; County Administrative Surcharge Fee in the amount of \$10.00 on each count pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00 on each count pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 on each count pursuant to I.C. § 31-3201(5); \$75.00 on Count I and \$37.00 on Count II to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 on each count for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; and \$30.00 on Count I domestic violence fee; \$10.00 on count I for the drug hotline fee pursuant to I.C. § 37-2735A; and lab costs in the amount of \$100.00 on Count I pursuant to I.C. § 37-2732(k), plus interest at the statutory rate of 5.625% per annum until paid in full, to be paid through the Clerk of the District Court.

The Defendant was advised of her rights to an appeal and then remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

DATED this 3rd day of June, 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of June, 20 10, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PSI DEPT
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

JUN 08 2010

RECEIVED

JUN 04 2010

J. DAVID NAVARRO, Clerk
By DIANE M. OATMAN
DEPUTY

ADA COUNTY CLERK
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2009-0021903
)	
vs.)	
)	
AMBER DAWN STEWART ,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, AMBER DAWN STEWART, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, AMBER DAWN STEWART, in all matters pertaining to the direct appeal.

DATED This 8th day of June, 2010.


MIKE WETHERELL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

00054

Session: Wetherell090910
Session Date: 2010/09/09
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:52

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Derden, Terry
Hemmer, Casey
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0026

Case number: FE0921903/103077
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: Geddes, Anthony

2010/09/09

14:57:54 - Operator

Recording:

14:57:54 - New case

Stewart, Amber

14:58:16 - Judge: Wetherell, Mike

Ct calls both cases; def present in custody w/counsel - notes error in

14:58:34 - Judge: Wetherell, Mike

judgment--possession of controlled substance, should be possession of

14:58:57 - Judge: Wetherell, Mike

00055

controlled substance with intent to deliver
15:00:33 - Judge: Wetherell, Mike
Ct revws files
15:05:16 - State Attorney: Reilly, Heather
comments/rec'd relinquish jurisdiction
15:09:24 - Public Defender: Geddes, Anthony
comments/rec'd another chance at rider or in alt therapeutic community
15:14:28 - Defendant: Stewart, Amber
addresses the court
15:15:28 - Public Defender: Geddes, Anthony
no legal cause
15:15:32 - Judge: Wetherell, Mike
FE09-21903 and in FE10-3077 Ct exercises discretion under Rule 35 -- 09 case
15:17:07 - Judge: Wetherell, Mike
reduce to 4yrs fixed indete-- 10yrs CTS 101
15:17:41 - Judge: Wetherell, Mike
FE10-3007 reduced to 3+11 -- CTS 102d to run concurrently -- rec'd cognitive
15:18:28 - Judge: Wetherell, Mike
prog, substance abuse prog, counseling and therapeutic community
15:19:05 - Judge: Wetherell, Mike
appeal rights
15:20:13 - Operator
Stop recording:

SEP 09 2010

DAVID NAVARRO, Clerk
By *[Signature]*
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-FE-2009-0021903

CORRECTED JUDGMENT OF
CONVICTION AND ORDER
RETAINING JURISDICTION

WHEREAS, on this 3rd day of June, 2010; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Deputy Prosecuting Attorney, the Defendant, and Anthony Geddes, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on April 22, 2010, to the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. § 37-2732(a); and II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. § 18-8001(3), committed on or about November 21, 2009. Count III was dismissed pursuant to plea negotiations.

The Defendant and Defendant's counsel were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and if the Defendant, or Defendant's counsel, wished to make a statement on behalf of the Defendant, or to

present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found no legal cause or reason why judgment and sentence should not be pronounced against the Defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant is guilty of the crimes of I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. § 37-2732(a); and II. DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, I.C. § 18-8001(3), and that she be sentenced as follows:

COUNT I - Defendant is hereby sentenced to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed fourteen (14) years: with the first five (5) years of said term to be FIXED, and with the remaining nine (9) years of said term to be INDETERMINATE. The Defendant shall receive credit for three (3) days served in pre-judgment incarceration toward the FIXED portion of the term as provided by Idaho Code 18-309.

The Court will retain jurisdiction for one hundred eighty (180) days under I.C. § 19-2601(4). The Court recommends that the Defendant participate in any/all cognitive self change programming, substance abuse treatment and such other programs as are deemed appropriate by rider personnel. It is further recommended that the defendant obtain a psychological evaluation during the RDU process. The Court authorizes appropriate care and treatment including medications as deemed necessary and education regarding the continuing need to maintain medications.

COUNT II – The Defendant is hereby ordered to serve one hundred eighty (180) days months in the Ada County Jail, with credit for three (3) days served, leaving a balance of one hundred seventy-seven (177) days to serve, which shall run concurrently with the sentence imposed

in Count I.

IT IS FURTHER ORDERED that pursuant to Idaho Code Section 31-3201A(b) the Defendant shall pay court costs in the amount of \$17.50 on each count; County Administrative Surcharge Fee in the amount of \$10.00 on each count pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00 on each count pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 on each count pursuant to I.C. § 31-3201(5); \$75.00 on Count I and \$37.00 on Count II to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 on each count for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; and \$30.00 on Count I domestic violence fee; \$10.00 on Count I for the drug hotline fee pursuant to I.C. § 37-2735A; and lab costs in the amount of \$100.00 on Count I pursuant to I.C. § 37-2732(k), plus interest at the statutory rate of 5.625% per annum until paid in full, to be paid through the Clerk of the District Court.

The Defendant was advised of her rights to an appeal and then remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

Dated this 9th day of September, 2010, effective *nunc pro tunc*, June 3, 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

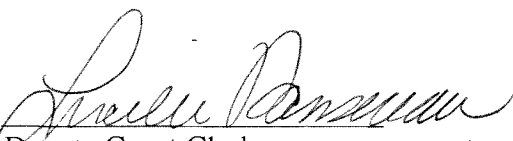
I hereby certify that on the 9th day of Sept, 20 10, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

NO. _____ FILED
A.M. 9:34 P.M. _____

SEP 10 2010

J. DAVID NAVARRO, Clerk
By _____ DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO

Plaintiff,

vs.

AMBER DAWN STEWART,

DOB: [REDACTED]

SS#: [REDACTED]

Defendant.

Case No. CR-FE-2009-0021903

ORDER RELINQUISHING JURISDICTION
AND REDUCING SENTENCE

The above entitled matter having come before this Court pursuant to its retained jurisdiction under I.C. § 19-2601 (4); the Court, having again reviewed the presentence investigation, together with the addendum to presentence investigation report as received from the Board of Correction and having returned the Defendant back before this Court and entertained a second sentencing hearing and having permitted the Defendant to fully respond to the APSI and re-allocute, and now being fully advised in the premises; hereby Orders as follows:

The Court hereby declines to exercise its retained jurisdiction in this case.

However, upon further reflection and review of the entire matter, including the nature and circumstances of the crime, the history, character and condition of the Defendant the applicable guidelines for sentencing, the scope and purpose of Idaho Criminal Rule 35 permitting a reduction of sentence within 120 days after sentence is imposed, and all other information submitted regarding disposition; it appears that the sentence previously imposed may be unduly


harsh.

Accordingly, the Judgment of Conviction for the crime of I. POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DELIVER, FELONY, I.C. § 37-2732(a) imposed on June 3, 2010, sentencing the Defendant to the custody of the State Board of Correction for an aggregate term of fourteen (14) years, with five (5) years being fixed, followed by nine (9) years indeterminate, is hereby **reduced** as follows: the Defendant is hereby sentenced to the custody of the State Board of Correction of the State of Idaho for an aggregate term of fourteen (14) years, with four (4) years fixed, followed by ten (10) years indeterminate. The Defendant is given credit for one hundred and one (101) days served.

The Court recommends that the Defendant participate in any/all cognitive based programming, substance abuse treatment, counseling programs and such other programs including the Therapeutic Community as may be deemed appropriate by prison personnel.

IT IS SO ORDERED.

DATED this 9th day of September, 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 20 10, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

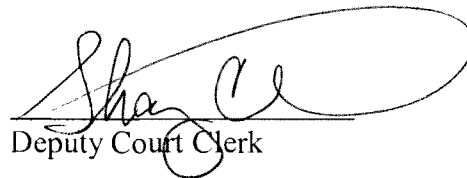
ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By:


Deputy Court Clerk

SEP 14 2010

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

J. DAVID NAVARRO, Clerk
By JANAE PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-FE-2009-0021903
)	
	)	NOTICE OF APPEAL
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Decision and Order entered in the above-entitled action on the 10th day of September, 2010, the Honorable Mike Wetherell, District Judge presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any

AMENDED NOTICE OF APPEAL PAGE 1

00064

such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Did the district court err in relinquishing jurisdiction?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

- (a) Sentencing/Rider Hearing held: September 9, 2010
Court Reporter: N. Omsberg
Estimated Pages: less than 50

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

- (a) Any briefs or memorandums, filed or lodged, by the state, appellate or the court on the issue of whether the district court erred in relinquishing jurisdiction; and
- (b) Any exhibits, including but not limited to letters or victim impact statements, psychological evaluations and other addendums to the PSI or other items offered at the Sentencing Hearing or Jurisdictional Review Hearing.

7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the Court Reporter, N. Omsberg;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the

appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));

- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 13th day of September, 2010.



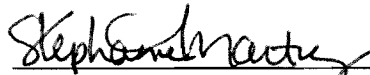
ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 13th day of September, 2010, I
mailed true and correct copies of the foregoing, NOTICE OF
APPEAL to:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
P.O. BOX 83720
BOISE, ID 83720-0010

N. OMSBERG, HONORABLE JUDGE WETHERELL'S COURT REPORTER


Stephanie Martinez

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

SEP 15 2010

RECEIVED

SEP 14 2010

J. DAVID NAVARRO, Clerk
By: DAANE M. OATMAN,
DEPUTY

ADA COUNTY CLERK
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2009-0021903
)	
vs.)	
)	
AMBER DAWN STEWART ,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, AMBER DAWN STEWART, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, AMBER DAWN STEWART, in all matters pertaining to the direct appeal.

DATED This 15th day of June, 2010.


MIKE WETHERELL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

State of Idaho vs. Amber Stewart

Date	Code	User		Judge
2/24/2010	NCRF	PRNYEJED	New Case Filed - Felony	Magistrate Court Clerk
	PROS	PRNYEJED	Prosecutor assigned Ada County Prosecutor	Magistrate Court Clerk
	WARI	PRNYEJED	Warrant Issued - Arrest Bond amount: 50000.00 Defendant: Stewart, Amber	Magistrate Court Clerk
	XSEA	PRNYEJED	Case Sealed	Magistrate Court Clerk
	STAT	PRNYEJED	STATUS CHANGED: Inactive	Magistrate Court Clerk
3/11/2010	WART	TCWADAMC	Warrant Returned Defendant: Stewart, Amber	Magistrate Court Clerk
	XUNS	TCWADAMC	Case Un-sealed	Magistrate Court Clerk
	STAT	TCWADAMC	STATUS CHANGED: Pending	Magistrate Court Clerk
	HRSC	TCWADAMC	Hearing Scheduled (Arraignment 03/16/2010 09:30 AM)	John Hawley Jr.
	BNDS	TCWADAMC	Bond Posted - Surety (Amount 50000.00)	Magistrate Court Clerk
3/16/2010	BCON	TCWADAMC	Condition of Bond: Jail Reference Booking: 100442478 Jail Reference Stay: 1	Magistrate Court Clerk
	ARRN	TCFINNDE	Hearing result for Arraignment held on 03/16/2010 09:30 AM: Arraignment / First Appearance	John Hawley Jr.
	CHGA	TCFINNDE	Judge Change: Adminisitrative	Cawthon / Irby
	HRSC	TCFINNDE	Hearing Scheduled (Arraignment 04/06/2010 08:30 AM)	Cawthon / Irby
	ORPD	TCFINNDE	Order Appointing Public Defender	Cawthon / Irby
3/19/2010	ORPD	TCFINNDE	Order Appointing Public Defender Ada County Public Defender	Cawthon / Irby
	RQDD	TCRAMISA	Defendant's Request for Discovery	Cawthon / Irby
	CHGA	CCMANLHR	Judge Change: Adminisitrative	Michael Oths
	PHWV	CCMANLHR	Hearing result for Preliminary held on 04/06/2010 08:30 AM: Preliminary Hearing Waived (bound Over)	Michael Oths
	HRSC	CCMANLHR	Hearing Scheduled (Arraignment 04/22/2010 10:00 AM)	Michael Oths
4/7/2010	COMT	CCMANLHR	Commitment	Michael Oths
	INFO	TCPETEJS	Information	Mike Wetherell
	PROS	PRFLEMSM	Prosecutor assigned Heather Reilly	Mike Wetherell
	DCHH	DCOATMAD	Hearing result for Arraignment held on 04/22/2010 10:00 AM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	HRSC	DCOATMAD	Hearing Scheduled (Sentencing 06/03/2010 02:30 PM)	Mike Wetherell
4/22/2010	PLEA	DCOATMAD	A Plea is entered for charge: - GT (I18-3601 Forgery)	Mike Wetherell

State of Idaho vs. Amber Stewart

Date	Code	User		Judge
4/22/2010	PSSA1	DCOATMAD	Order for Presentence Investigation Report and Substance Abuse Assessment	Mike Wetherell
	CONT	DCOATMAD	Continued (Sentencing 06/03/2010 03:30 PM)	Mike Wetherell
	PSMH1	DCOATMAD	Order for Pre-Sentence Investigation Report and Mental Health Assessment	Mike Wetherell
6/3/2010	DCHH	DCOATMAD	Hearing result for Sentencing held on 06/03/2010 03:30 PM: District Court Hearing Held Court Reporter: Nicole Omsberg Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I18-3601 Forgery) Confinement terms: Credited time: 4 days. Penitentiary determinate: 4 years. Penitentiary indeterminate: 10 years.	Mike Wetherell
	STAT	DCOATMAD	STATUS CHANGED: closed pending clerk action	Mike Wetherell
	SNPF	DCOATMAD	Sentenced To Pay Fine 125.50 charge: I18-3601 Forgery	Mike Wetherell
6/4/2010	BNDE	DCDANSEL	Surety Bond Exonerated (Amount 50,000.00)	Mike Wetherell
6/7/2010	JDMT	DCABBOSM	Judgment of Conviction and Order Retaining Jurisdiction	Mike Wetherell
8/23/2010	HRSC	DCOATMAD	Hearing Scheduled (Rider Review 09/09/2010 01:30 PM)	Mike Wetherell
9/1/2010	MOTN	TCBELLHL	Motion to Clarify and Retain Jurisdiction	Mike Wetherell
9/9/2010	DCHH	DCOATMAD	Hearing result for Rider Review held on 09/09/2010 01:30 PM: District Court Hearing Held Court Reporter: Nicole Omsebrg Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	FIGT	DCOATMAD	Finding of Guilty (I18-3601 Forgery)	Mike Wetherell
	AMJD	DCOATMAD	Amended Judgment Sentence modified on 9/9/2010. (I18-3601 Forgery)	Mike Wetherell
	JAIL	DCOATMAD	Sentenced to Jail or Detention (I18-3601 Forgery) Confinement terms: Credited time: 102 days. Penitentiary determinate: 3 years. Penitentiary indeterminate: 11 years.	Mike Wetherell
9/10/2010	ORDR	DCABBOSM	Order Relinquishing Jurisdiction and Reducing Sentence	Mike Wetherell
9/14/2010	APSC	TCRAMISA	Appealed To The Supreme Court	Mike Wetherell
9/15/2010	ORDR	DCOATMAD	Order Apptg' State Appellate PD on Appeal	Mike Wetherell

FEB 24 2010

J. DAVID NAVARRO, Clerk
By S. McCormack
DEPUTY

DR # 09-934116

GREG H. BOWER

Ada County Prosecuting Attorney

Whitney A. Faulkner
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

AMBER DAWN STEWART,)

Defendant.)

Case No. CR-FE-2010- 3077

COMPLAINT

Stewart's DOB: [REDACTED]
Stewart's SSN: [REDACTED]

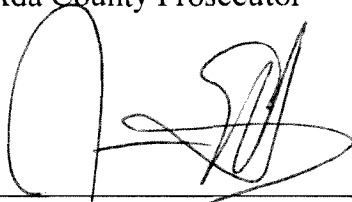
PERSONALLY APPEARED Before me this 23 day of February 2010, Whitney A. Faulkner, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that AMBER DAWN STEWART, on or between the 24th day of December 2009 and the 26th day of December, 2009, in the County of Ada, State of Idaho, did commit the crime of FORGERY, FELONY, I.C. §18-3601 as follows:

That the Defendant, AMBER DAWN STEWART, on or between the 24th day of December 2009 and the 26th day of December 2009, in the County of Ada, State of Idaho, did falsely and with the intent to defraud another, attempt to pass, as true and genuine, a certain written instrument, to-wit: check# 2997702 on the account of Targus Inspection, Inc. payable to Amber Stewart in the amount of \$853.75 to a U.S. Bank employee, well knowing at the time of the attempt to pass of the said instrument that it was false as to the entirety of the check.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

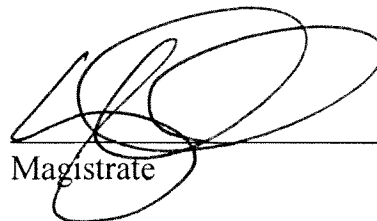
Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant and that AMBER DAWN STEWART, may be dealt with according to law.

GREG H. BOWER
Ada County Prosecutor



Whitney A. Faulkner
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 23rd day of February 2010.



Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

vs.

Amber Dawn Stewart

PROSECUTOR Jim Vogt

COMPLAINING WITNESS _____

CASE NO. 3077

CLERK H. MANLEY

DATE 2/23/2010 TIME 10:45

TOXIMETER _____

CASE ID. Oths 022310 BEG. 104532

END 104851

JUDGE

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> BEREZ | <input type="checkbox"/> MacGREGOR-IRBY |
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input checked="" type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> STECKEL |
| <input type="checkbox"/> HAWLEY | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HICKS | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ STATE SWORN
☒ PC FOUND _____
☒ COMPLAINT SIGNED
☐ AMENDED COMPLAINT SIGNED
☐ AFFIDAVIT SIGNED
☐ NO PC FOUND _____
☐ EXONERATE BOND
☐ SUMMONS TO BE ISSUED
☒ WARRANT ISSUED
☒ BOND SET \$ 50,000-
☐ NO CONTACT

D.R. # _____

COMMENTS

- ☐ DISMISS CASE
☐ IN CUSTODY

() AGENT'S WARRANT

() RULE 5(b)

() FUGITIVE

ADA COUNTY MAGISTRATE MINUTES

Amber Stewart CR-FE-2010-0003077

DOB: [REDACTED]

Scheduled Event: Arraignment Tuesday, March 16, 2010

09:30 AM

Judge: John Hawley Jr.

Clerk: [Signature]

Interpreter: [Signature]

Prosecuting Agency: ☒ AC ☐ BC ☐ GC ☐ MC

Pros: K. Kimber

☒ PD Attorney: [Signature]

• 1 I18-3601 Forgery F

095906 Case Called Defendant: ☒ Present ☐ Not Present ☐ In Custody

☐ Advised of Rights ☐ Waived Rights ☒ PD Appointed ☐ Waived Attorney

☐ Guilty Plea / PV Admit ☐ N/G Plea ☐ Advise Subsequent Penalty

☐ Bond \$ ☐ ROR ☐ Pay / Stay ☐ Payment Agreement

☐ In Chambers ☐ PT Memo ☐ Written Guilty Plea ☐ No Contact Order

D Advise

PA 4/6/10 @ 8:30
w/IRBY

Finish () Release Defendant

ADA COUNTY MAGISTRATE MINUTES

Amber Stewart CR-FE-2010-0003077

DOB: [REDACTED]

Scheduled Event: Preliminary Tuesday, April 06, 2010 08:30 AM

Judge: Michael Oths Clerk: H. MANLEY Interpreter: _____

Prosecuting Agency: (AC) BC GC MC Pros: Casey Hemen
(PD) Attorney: Annie Cosho

• 1 I18-3601 Forgery F

93032 Case Called Defendant: / Present Not Present In Custody
Advised of Rights Waived Rights PD Appointed Waived Attorney
Guilty Plea / PV Admit N/G Plea Advise Subsequent Penalty
✓ Bond \$ 50,000 ROR Pay / Stay Payment Agreement
In Chambers PT Memo Written Guilty Plea No Contact Order

D Waxes phrg

Blo Wetherell

4-22-10 @ 10:00a

Gunn Signed

93143

Finish () Release Defendant

00075

APR 06 2010

J. DAVID NAVARRO, Clerk
By Hemmer
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Casey Hemmer

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,
Defendant.

Case No. CR-FE-2010-0003077

COMMITMENT

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

THE ABOVE NAMED DEFENDANT, AMBER DAWN STEWART, having been brought before this Court for a Preliminary Examination on the 6 day of April, 2010, on a charge that the Defendant on or between the 24th day of December, 2009 and the 26th day of December, 2009, in the County of Ada, State of Idaho, did commit the crime of: FORGERY, FELONY, I.C. §18-3601 as follows:

That the Defendant, AMBER DAWN STEWART, on or between the 24th day of December 2009 and the 26th day of December 2009, in the County of Ada, State of Idaho, did falsely and with the intent to defraud another, attempt to pass, as true and genuine, a certain written instrument, to-wit: check# 2997702 on the account of Targus Inspection, Inc. payable to Amber Stewart in the amount of \$853.75 to a U.S. Bank employee, well knowing at the time of the attempt to pass of the said instrument that it was false as to the entirety of the check.

The Defendant having so appeared and having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 50,000.

DATED this 6 day of April, 2010.



MAGISTRATE

NO. _____
A.M. _____ P.M. _____ 120
PR 07 20
J. DAVID NAVARI
By JANA E. PETERS
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. CR-FE-2010-0003077

I N F O R M A T I O N

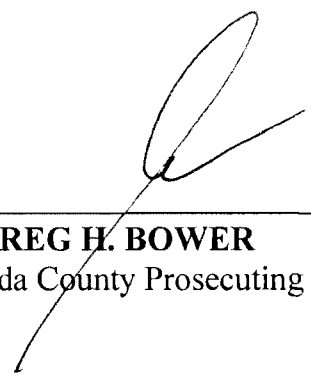
Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that AMBER DAWN STEWART is accused by this Information of the crime of: FORGERY, FELONY, I.C. §18-3601 which crime was committed as follows:

That the Defendant, AMBER DAWN STEWART, on or between the 24th day of December 2009 and the 26th day of December 2009, in the County of Ada, State of Idaho, did falsely and with the intent to defraud another, attempt to pass, as true and genuine, a certain written instrument, to-wit: check# 2997702 on the account of Targus Inspection, Inc. payable to Amber Stewart in the amount of \$853.75 to a U.S. Bank employee, well knowing at the time of the attempt to pass of the said instrument that it was false as to the entirety of the check.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Session: Wetherell042210
Session Date: 2010/04/22
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:41

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case number: FE103077/0921903
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: Geddes, Anthony

2010/04/22

11:27:30 - Operator
Recording:

11:27:30 - New case
Stewart, Amber

11:27:42 - Judge: Wetherell, Mike
Ct calls both cases; def present on bond w/counsel

11:27:58 - Judge: Wetherell, Mike
Ct arrg def on new charge FE10-3077

11:29:27 - Public Defender: Geddes, Anthony
def to plead gg in 09 case w/right to appeal denial of motion to suppress

11:30:00 - Public Defender: Geddes, Anthony

00080

FE10003077 -- gg to charge, open to argument at dispo, cooperate with PSI

11:35:01 - Judge: Wetherell, Mike

Def to plea gg to Counts I and II (CT III to be dismissed)

11:40:47 - Defendant: Stewart, Amber

sworn and examined by the Court

11:52:28 - Judge: Wetherell, Mike

Ct accepts gg pleas; orders PSI; 19-2524 substance abuse and mental health

11:52:46 - Judge: Wetherell, Mike

evaluations -- June 3, 2010 at 3:30 sentencing

11:54:34 - Operator

Stop recording:

Session: Wetherell060310

Session Date: 2010/06/03

Judge: Wetherell, Mike

Reporter: Omsberg, Nicole

Division: DC

Session Time: 08:21

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorney(s):

Buttram, Tessie

Guzman, Cathy

Morrison, Monica

Reilly, Heather

Welsh, Whitney

Wittwer, Kai

Public Defender(s):

Geddes, Anthony

Herrett, Megan

Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0031

Case number: FE103077/0921903

Plaintiff:

Plaintiff Attorney:

Defendant: Stewart, Amber

Co-Defendant(s):

Pers. Attorney:

State Attorney: Reilly, Heather

Public Defender: Geddes, Anthony

2010/06/03

16:04:53 - Operator

Recording:

16:04:53 - New case

Stewart, Amber

16:05:35 - Judge: Wetherell, Mike

Ct calls both cases; def present on bond w/counsel

16:05:44 - Judge: Wetherell, Mike

Ct revws file

16:10:40 - State Attorney: Reilly, Heather

00082

restitution \$100 lab costs

16:10:49 - Public Defender: Geddes, Anthony
stip to restitution

16:13:19 - State Attorney: Reilly, Heather
comments/rec'd impose retained jurisdiction for evaluation purp

16:17:04 - Judge: ~~Wetherell, Mike~~ *Heather Reilly*
On FE09 21903 -- 3+7 for 10yrs On FE10-3077 3+7 for 10yrs w/retained

16:17:45 - Judge: ~~Wetherell, Mike~~ *Heather Reilly*
jurisdiction -- depending on her performance on rider, State may seek fine

16:18:14 - Public Defender: Geddes, Anthony
comments/rec'd rider

16:22:51 - Defendant: Stewart, Amber
addresses the Court

16:22:58 - Public Defender: Geddes, Anthony
no legal cause

16:23:00 - Judge: Wetherell, Mike
FE0921903 -- 5 + 9 for 14yrs CTS 3d -- Count II 6months ACJ cclly w/Count I

16:29:47 - Judge: Wetherell, Mike
FE10-3077 -- 14yrs 4+10 CTS 4d -- cclly with FE0921903 -- Ct retains

16:30:38 - Judge: Wetherell, Mike
jurisdiction -- places def on rider, rec'd programs--psychological eval

16:31:15 - Judge: Wetherell, Mike
during RDU prog, rec'd medications as deemed necessary-appeal rights

16:34:31 - Operator
Stop recording:

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

DOB: [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-FE-2010-0003077

JUDGMENT OF CONVICTION
AND ORDER RETAINING
JURISDICTION

WHEREAS, on this 3rd day of June, 2010; this being the time fixed by the Court for pronouncing sentence upon the Defendant, the Court noted the presence of the Deputy Prosecuting Attorney, the Defendant, and Anthony Geddes, counsel for the Defendant, in court.

The Defendant was duly informed of the Information filed, and the Defendant having entered a guilty plea on April 22, 2010, to the crime of FORGERY, FELONY, I.C. § 18-3601, committed on or between the 24th day of December, 2009 and the 26th day of December, 2009. The Defendant waived her right to a presentence investigation and a delay prior to sentencing.

The Defendant and Defendant's counsel were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the Defendant, and if the Defendant, or Defendant's counsel, wished to make a statement on behalf of the Defendant, or to present any information to the Court in mitigation of punishment; and the Court, having accepted

such statements, and having found no legal cause or reason why judgment and sentence should not be pronounced against the Defendant at this time; does render its judgment of conviction as follows, to-wit:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant is guilty of the crime of FORGERY, FELONY, I.C. § 18-3601, and that she be sentenced to the custody of the State Board of Correction of the State of Idaho for the term of not to exceed fourteen (14) years: with the first four (4) years of said term to be FIXED, and with the remaining ten (10) years of said term to be INDETERMINATE, to run **concurrently** with the sentence imposed in CR-FE-2009-0021903. The Defendant shall receive credit for four (4) days served in pre-judgment incarceration toward the FIXED portion of the term as provided by Idaho Code 18-309.

The Court will retain jurisdiction for one hundred eighty (180) days under I.C. § 19-2601(4). The Court recommends that the Defendant participate in any/all cognitive self change programming, substance abuse treatment and such other programs as are deemed appropriate by rider personnel. It is further recommended that the defendant obtain a psychological evaluation during the RDU process. The Court authorizes appropriate care and treatment including medications as deemed necessary and education regarding the continuing need to maintain medications.


IT IS FURTHER ORDERED that pursuant to Idaho Code Section 31-3201A(b) the Defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5); \$75.00 the Victims Compensation Fund pursuant to I.C. § 72-1025; \$3.00 for the Peace

Officer Temporary Disability Fund pursuant to I.C. § 72-1105; and \$30.00 domestic violence fee; \$10.00 for the drug hotline fee pursuant to I.C. § 37-2735A.

The Defendant was advised of her rights to an appeal and then remanded to the custody of the Sheriff of Ada County, to be delivered FORTHWITH by him into the custody of the Director of the State Board of Correction of the State of Idaho.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Judgment and Commitment to the said Sheriff, which shall serve as the commitment of the Defendant.

DATED this 3rd day of June, 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of June, 20 10, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PSI DEPT
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

Amber Dawn Stewart #84721
Full Name/Prisoner Name

SNCC Unit 7-34
13200 S. Pleasant Valley Rd
Kuna ID 83634
Complete Mailing Address

Plaintiff Defendant
(circle one)

IN THE FOURTH JUDICIAL
COURT OF IDAHO IN AND FOR THE
COUNTY OF ADA

Amber Dawn Stewart #84721

Plaintiff/Petitioner,
(Full name and prisoner number.)

vs.

State of Idaho

Defendant/Respondent(s),
(Full name(s). Do not use et. al.)

3077
CASE NO. FE2010511

Motion to Clarify
and Retain
Jurisdiction

COMES NOW, Amber D. Stewart, Plaintiff/Defendant (circle one) in the above
entitled

case AND MOTIONS THIS COURT TO CONTINUE RETAINED JURISDICTION
IN THIS MATTER. ON AUGUST 5, 2010, PETITIONER AMBER DAWN
STEWART WAS PLACED IN DETENTION AT THE SNCC FOR
POSSESSING A HAND-MADE TATTOOING DEVICE MADE OUT OF
A PENCIL, STRING AND STAPLE. TO TATTOO HERSELF AS A

- 1

-pg. 1

REMINDER AS TO WHY SHE SHOULD AVOID COMING BACK TO PRISON. PETITIONER FASHIONED A TATTOO OF A SKULL AND CROSSBONES ON HER LEFT CALF. PETITIONER RECEIVED A DOR (DISCIPLINARY OFFENSE REPORT) A CLASS B FOR THE RULE VIOLATION OF TATTOOING/PIERCING.

ON AUGUST 11, 2010 PETITIONER'S CASE MANAGER MS. HEART INFORMED PETITIONER THAT SHE DISCUSSED THE RULE VIOLATION WITH THE FACILITY WARDEN MS. KAPRI ZMUDA, AND THEY DECIDED PETITIONER'S JURISDICTION BE RELINQUISHED.

PETITIONER WISHES TO CLARIFY ON RECORD TO THE COURTS THAT HER DECISION TO TATTOO HERSELF WAS IMPULSIVE AND NOT THOUGHT OUT DEFIANTLY. PETITIONER NOW REALIZES THAT HER ACT OF SELF TATTOOING WAS NOT LOGICAL. AT THE TIME PETITIONER HAD ONLY BEEN SOBER JUST OVER 30 DAYS.

DESPITE THE TATTOO INCIDENT, PETITIONER STRIVED TO COMPLY WITH THE RIDER REQUIREMENTS AND HAD NO PRIOR DISCIPLINARY INCIDENTS. PETITIONER SPENT TIME ON HER RIDER VOLUNTEERING IN THE KITCHEN, CHURCH ACTIVITIES, AND PARTICIPATING IN AA/NA 12-STEP GROUPS.

PETITIONER SEEKS TO ASSURE THE COURT THAT THE TATTOOING INCIDENT IS NOT INDICTIVE OF ON GOING

CRIMINAL ACTS BUT A COMPULSIVE ACT. PETITIONER STATES THAT AT THE TIME SHE DID THE TATTOO, SHE WAS NOT WELL, DUE TO BEING BI-POLAR AND UNSTABLE ON HER MEDICATIONS (ZOLOFT). THE PETITIONER IS NOW STABLE ON HER PROZAC AND BUSPAR FOR DEPRESSION AND ANXIETY.

THE PETITIONER DOES NOT WISH TO MAKE LIGHT OF THE COURTS INTEGRITY TO PERMIT HER TO DO THE RIDER PROGRAM BY THIS TATTOOING INCIDENT.

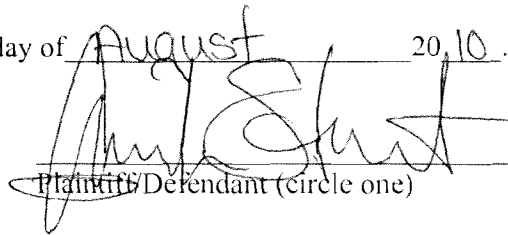
PETITIONER DID NOT GET ENOUGH TIME TO PROVE SHE IS A TRUSTWORTHY CANDIDATE FOR PROBATION BY BEING IN THE RIDER PROGRAM FOR APPROXIMATELY 49 DAYS PRIOR TO THIS INCIDENT. PETITIONER HAD ONLY BEEN SUBSTANCE FREE FOR JUST A FEW MONTHS AND HASNT HAD THE SOBER TIME MANY OTHERS AFFORD BEFORE BEING PLACED INTO THE RIDER PROGRAM.

THE PETITIONER DOES REALIZE THAT HER BEHAVIOR WAS WRONG AND INEXCUSABLE, YET SHE REALIZES HER ACTIONS HAVE CONSEQUENCES.

THE PETITIONER IS ASKING FOR THE COURTS MERCY TO TAKE ALL THESE FACTS INTO CONSIDERATION AND KEEP IN PLACE HER RETAINED JURISTITION

WITH AN EXTENSION SO SHE CAN PARTICIPATE
IN ALL THE CLASSES THE PROGRAM HAS TO
OFFER, WHICH PETITIONER IS SURE THAT THE
DISCIPLINE AND STRUCTURE OF THE RIDER PROGRAM
WILL HELP HER TO BECOME THAT UPSTANDING
CITIZEN IN OUR COMMUNITY.

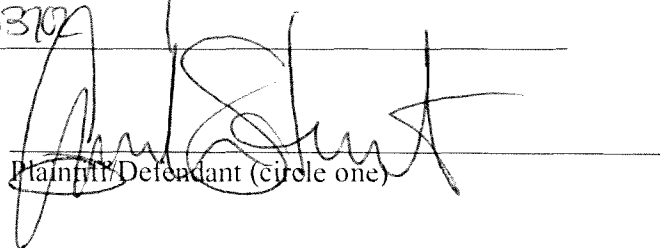
Respectfully submitted this 30th day of August, 2010.


Plaintiff/Defendant (circle one)

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 30th day of August, 2010, I
mailed a true and correct copy of the Motion to Clarify ³ Retain Jurisdiction
prison mail system for processing to the U.S. mail system to:

Anthony Geddes } Judge Wetherall
of Ada County }
Public Defender } 200 W. Front St.
200 W. Front St. }
Suite 1107 } Boise ID, 83702
Boise ID 83702 }


Plaintiff/Defendant (circle one)

Session: Wetherell090910
Session Date: 2010/09/09
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:52

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Derden, Terry
Hemmer, Casey
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Herrett, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0026

Case number: FE0921903/103077
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: Geddes, Anthony

2010/09/09

14:57:54 - Operator

Recording:

14:57:54 - New case

Stewart, Amber

14:58:16 - Judge: Wetherell, Mike

Ct calls both cases; def present in custody w/counsel - notes error in

14:58:34 - Judge: Wetherell, Mike

judgment--possession of controlled substance, should be possession of

14:58:57 - Judge: Wetherell, Mike

controlled substance with intent to deliver
15:00:33 - Judge: Wetherell, Mike
Ct revws files
15:05:16 - State Attorney: Reilly, Heather
comments/rec'd relinquish jurisdiction
15:09:24 - Public Defender: Geddes, Anthony
comments/rec'd another chance at rider or in alt therapeutic community
15:14:28 - Defendant: Stewart, Amber
addresses the court
15:15:28 - Public Defender: Geddes, Anthony
no legal cause
15:15:32 - Judge: Wetherell, Mike
FE09-21903 and in FE10-3077 Ct exercises discretion under Rule 35 -- 09 case
15:17:07 - Judge: Wetherell, Mike
reduce to 4yrs fixed indete-- 10yrs CTS 101
15:17:41 - Judge: Wetherell, Mike
FE10-3007 reduced to 3+11 -- CTS 102d to run concurrently -- rec'd cognitive
15:18:28 - Judge: Wetherell, Mike
prog, substance abuse prog, counseling and therapeutic community
15:19:05 - Judge: Wetherell, Mike
appeal rights
15:20:13 - Operator
Stop recording:

SEP 10 2010

J. DAVID NAVARRO, Clerk
By [Signature]

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO

Plaintiff,

vs.

AMBER DAWN STEWART,

DOB: [REDACTED]

SS#: [REDACTED]

Defendant.

Case No. CR-FE-2010-0003077

ORDER RELINQUISHING JURISDICTION
AND REDUCING SENTENCE

The above entitled matter having come before this Court pursuant to its retained jurisdiction under I.C. § 19-2601 (4); the Court, having again reviewed the presentence investigation, together with the addendum to presentence investigation report as received from the Board of Correction and having returned the Defendant back before this Court and entertained a second sentencing hearing and having permitted the Defendant to fully respond to the APSI and re-allocute, and now being fully advised in the premises; hereby Orders as follows:

The Court hereby declines to exercise its retained jurisdiction in this case.

However, upon further reflection and review of the entire matter, including the nature and circumstances of the crime, the history, character and condition of the Defendant the applicable guidelines for sentencing, the scope and purpose of Idaho Criminal Rule 35 permitting a reduction of sentence within 120 days after sentence is imposed, and all other information submitted regarding disposition; it appears that the sentence previously imposed may be unduly

harsh.

Accordingly, the Judgment of Conviction for the crime of FORGERY, FELONY, I.C. § 18-3601, imposed on June 3, 2010, sentencing the Defendant to the custody of the State Board of Correction for an aggregate term of fourteen (14) years, with four (4) years being fixed, followed by ten (10) years indeterminate, is hereby reduced as follows: the Defendant is hereby sentenced to the custody of the State Board of Correction of the State of Idaho for an aggregate term of fourteen (14) years, with three (3) years fixed, followed by eleven (11) years indeterminate, to run **concurrently** with the sentence imposed in Ada County Case No. CR-FE-2009-0021903. The Defendant is given credit for one hundred and two (102) days served.

The Court recommends that the Defendant participate in any/all cognitive based programming, substance abuse treatment, counseling programs and such other programs including the Therapeutic Community as may be deemed appropriate by prison personnel.

IT IS SO ORDERED.

DATED this 9th day of September, 2010.



MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of September, 2010, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

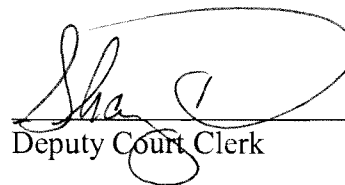
ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By:


Deputy Court Clerk

FILED 345
A.M. P.M.

SEP 14 2010

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

J. DAVID NAVARRO, Clerk
By JANA E PETERSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-FE-2010-0003077
)	
	)	NOTICE OF APPEAL
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Decision and Order entered in the above-entitled action on the 10th day of September, 2010, the Honorable Mike Wetherell, District Judge presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any

such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Did the district court err in relinquishing jurisdiction?

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:

- (a) Sentencing/Rider Hearing held: September 9, 2010
Court Reporter: N. Omsberg
Estimated Pages: less than 50

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

- (a) Any briefs or memorandums, filed or lodged, by the state, appellate or the court on the issue of whether the district court erred in relinquishing jurisdiction; and
- (b) Any exhibits, including but not limited to letters or victim impact statements, psychological evaluations and other addendums to the PSI or other items offered at the Sentencing Hearing or Jurisdictional Review Hearing.

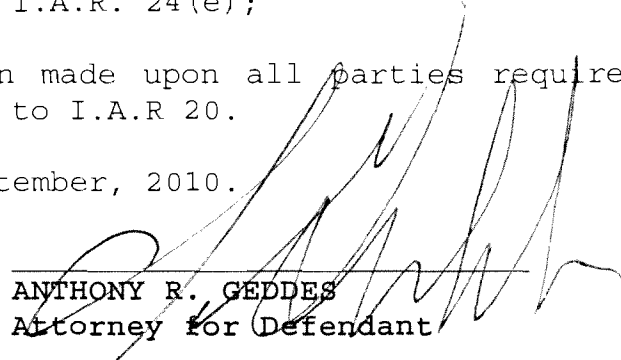
7. I certify:

- (a) That a copy of this Notice of Appeal has been served on the Court Reporter, N. Omsberg;
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the

appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));

- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 13th day of September, 2010.



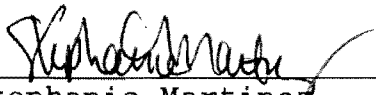
ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 13th day of September, 2010, I
mailed true and correct copies of the foregoing, NOTICE OF
APPEAL to:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
P.O. BOX 83720
BOISE, ID 83720-0010

N. OMSBERG, HONORABLE JUDGE WETHERELL'S COURT REPORTER


Stephanie Martinez

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

RECEIVED
SEP 14 2010
ADA COUNTY CLERK

3100
SEP 15 2010
J. DAVID NAVARRO, Clerk
By DIANE M. OATMAN
DEPUTY


IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2010-0003077
)	
vs.)	
)	
AMBER DAWN STEWART ,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, AMBER DAWN STEWART, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, AMBER DAWN STEWART, in all matters pertaining to the direct appeal.

DATED This 15th day of June, 2010.


MIKE WETHERELL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

00101

Date: 12/10/2010

Fifth Judicial District Court - Ada County

User: CCTHIEBJ

Time: 03:59 PM

ROA Report

Page 1 of 1

Case: CR-MD-2006-0013840 Current Judge: Kevin Swain

Defendant: Stewart, Amber Dawn

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
10/10/2006	NEWC	ID	Case Created	Kevin Swain
		ID	Case Opened	Kevin Swain
	ARRN	ID	Video Arraignment - 10/10/2006	Kevin Swain
	CHAD	ID	Charge number 1: Charge Booked by ACSO	Kevin Swain
	AMCO	ID	Charge number 1: Charge Amended by Prosecutor	Kevin Swain
	ARRN	CH	Video Arraignment - Video Arraignment - 10/10/2006	Kevin Swain
		SH	Charge number 1: Charge Filed Cause Found	Kevin Swain
	ARRN	HM	Video Arraignment	Kevin Swain
		HM	Charge number 1: Bond Reduced or Amended to - \$5000.00	Kevin Swain
	HRSC	GS	Event Scheduled - Preliminary Hearing - 10/23/2006	Kevin Swain
10/11/2006	RESO	SR	Defendant Request For Discovery	Kevin Swain
10/23/2006	HRSC	ME	Event Scheduled - Preliminary Hearing - 11/14/2006	Kevin Swain
11/14/2006		ME	Charge number 1: P/H Waived, Defendant Bound Over - H0601422 D.01	Kevin Swain
		ME	Charge number 1: Count Bound To - H0601422 D.01 C.001	Kevin Swain
		ME	Charge number 1: Bond Transferred To - H0601422 D.01 C.001	Kevin Swain

00102

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
11/14/2006	NEWC	ME	Case Created - Bind Over M0613840	Ronald Drug Court (Wilper)
	COMM	ME	Charge number 1: Commitment and Papers	Ronald Drug Court (Wilper)
		ME	Charge number 1: Defendant Transferred In - M0613840 D.01	Ronald Drug Court (Wilper)
		ME	Charge number 1: Count Bound From - M0613840 D.01 C.001	Ronald Drug Court (Wilper)
		ME	Charge number 1: Bond Transferred From - M0613840 D.01 C.001	Ronald Drug Court (Wilper)
	HRSC	ME	Event Scheduled - 0900 - 11/30/2006	Ronald Drug Court (Wilper)
	CHAD		Charge number 2: Charge Created	Ronald Drug Court (Wilper)
11/15/2006	INFO	SR	Information and Papers Filed	Ronald Drug Court (Wilper)
11/30/2006	ARRN	DO	Arraignment	Ronald Drug Court (Wilper)
	CONT	DO	Continued For Plea	Ronald Drug Court (Wilper)
12/14/2006	ARRN	DO	Arraignment - (Con't)	Ronald Drug Court (Wilper)
	GLTY	DO	Charge number 1: Guilty Plea	Ronald Drug Court (Wilper)
	HRSC	DO	Event Scheduled - Sentencing Hearing - 02/01/2007	Ronald Drug Court (Wilper)
2/1/2007	HRSC	DO	Event Scheduled - Sentencing Hearing - 03/16/2007	Ronald Drug Court (Wilper)
3/16/2007	SENT	DO	Sentence Hearing	Ronald Drug Court (Wilper)
	WHJD	DO	Charge number 1: Withheld Judgment Entered	Ronald Drug Court (Wilper)
	SNPF	DO	Charge number 1: Sentenced to Fine & Costs - \$167.50	Ronald Drug Court (Wilper)
		DO	Charge number 1: Sentenced to Reimburse P D - \$300.00	Ronald Drug Court (Wilper)
		DO	Charge number 1: Sentenced to Restitute - \$100.00	Ronald Drug Court (Wilper)
	PROB	DO	Charge number 1: Placed on Probation - 5y Standard Terms	Ronald Drug Court (Wilper)
3/20/2007	ORDR	LD	Order - Withholding Judgment & Order of Probation	Ronald Drug Court (Wilper)
	BVEX		Charge number 1: Exoneration of Bond - 5-1051501 - 03/20/2007	Ronald Drug Court (Wilper)
4/4/2007			Charge number 1: Fine Agreement Set - 04/04/2007	Ronald Drug Court (Wilper)

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
10/25/2007		DO	Aff'd & Order Settin Bond at \$25,000	Ronald Drug Court (Wilper)
	ARRN	ME	Arraignment - 11/01/2007	Ronald Drug Court (Wilper)
	ORPD	LC	Order Appointing Public Defender	Ronald Drug Court (Wilper)
	BSET	LC	Charge number 2: Bond Set at - \$25000.00	Ronald Drug Court (Wilper)
	ARRN	JD	Arraignment - Arraignment - 11/01/2007	Ronald Drug Court (Wilper)
10/29/2007	MOTN	SG	Motion - for Bond Reduction	Ronald Drug Court (Wilper)
	NOTC	SG	Notice - of Hearing	Ronald Drug Court (Wilper)
	RESO	SG	Defendant Request For Discovery	Ronald Drug Court (Wilper)
10/31/2007	MOTN	SR	Motion - for PV (Agent's Warrant)	Ronald Drug Court (Wilper)
11/1/2007	ARRN	D0	Arraignment	Ronald Drug Court (Wilper)
	CONT	D0	Continued For Plea	Ronald Drug Court (Wilper)
11/6/2007	MOTN	RC	Motion - to Access Court Interlock Device Fund for Participation in the ABC Class & Sub Abuse Program	Ronald Drug Court (Wilper)
11/8/2007	ARRN	DO	Arraignment - (Con't)	Ronald Drug Court (Wilper)
	HRSC	DO	Event Scheduled - Hearing - 11/29/2007	Ronald Drug Court (Wilper)
	ORDR	IJ	Order - to Make Available	Ronald Drug Court (Wilper)
11/29/2007		DO	Hearing	Ronald Drug Court (Wilper)
		DO	Drug Court Arraignment - Hearing - 12/06/2007	Ronald Drug Court (Wilper)
	ARRN	DO	Arraignment - Arraignment - 12/05/2007	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 12/05/2007	Ronald Drug Court (Wilper)
	HRSC	DO	Event Scheduled - Hearing - 11/30/2007	Ronald Drug Court (Wilper)
11/30/2007		DO	Hearing	Ronald Drug Court (Wilper)

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
12/5/2007		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 12/12/2007	Ronald Drug Court (Wilper)
12/12/2007	HRSC	DO	Event Scheduled - Sentencing Hearing - 12/13/2007	Ronald Drug Court (Wilper)
		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 12/19/2007	Ronald Drug Court (Wilper)
12/13/2007	SENT	DO	Sentence Hearing	Ronald Drug Court (Wilper)
	FJDE	DO	Charge number 2: Final Judgment, Order or Decree	Ronald Drug Court (Wilper)
	SNPF	DO	Charge number 2: Sentenced to Fine & Costs - \$3.00	Ronald Drug Court (Wilper)
	SENT	DO	Sentence Hearing	Ronald Drug Court (Wilper)
	FJDE	DO	Charge number 2: Final Judgment, Order or Decree	Ronald Drug Court (Wilper)
	PROB	DO	Charge number 2: Placed on Probation - 5y PROB REINSTATED	Ronald Drug Court (Wilper)
12/17/2007	ORDR	LD	Order - Reinstating and Amending Probation	Ronald Drug Court (Wilper)
12/19/2007		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 01/09/2008	Ronald Drug Court (Wilper)
12/24/2007		IJ	Plea Form	Ronald Drug Court (Wilper)
		IJ	Phase I Cont	Ronald Drug Court (Wilper)
1/9/2008		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 01/30/2008	Ronald Drug Court (Wilper)
1/16/2008			Charge number 1: Fine Agreement Set - 01/16/2008	Ronald Drug Court (Wilper)
1/30/2008		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 02/20/2008	Ronald Drug Court (Wilper)
2/12/2008		RC	Charge number 1: Partial Payment - A2099028 \$40.00	Ronald Drug Court (Wilper)
2/20/2008		IJ	Hearing	Ronald Drug Court (Wilper)

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
2/20/2008	HRSC	IJ	Event Scheduled - Hearing - 03/12/2008	Ronald Drug Court (Wilper)
2/29/2008	NOTC	IJ	Notice - to Appear	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 03/05/2008	Ronald Drug Court (Wilper)
3/5/2008		RC	Charge number 1: Partial Payment - A2106911 \$40.00	Ronald Drug Court (Wilper)
		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 03/26/2008	Ronald Drug Court (Wilper)
3/26/2008		IJ	Hearing	Ronald Drug Court (Wilper)
	HRSC	IJ	Event Scheduled - Hearing - 04/23/2008	Ronald Drug Court (Wilper)
4/23/2008	HRHD	DCJOHNSI	Hearing result for Hearing Scheduled held on 04/23/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 05/07/2008 05:00 PM)	Ronald Drug Court (Wilper)
	STAT	DCJOHNSI	STATUS CHANGED: Closed pending clerk action	Ronald Drug Court (Wilper)
5/7/2008	HRHD	DCJOHNSI	Hearing result for Review held on 05/07/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 06/04/2008 05:00 PM)	Ronald Drug Court (Wilper)
5/8/2008	PH2	DCJOHNSI	Phase II Contract	Ronald Drug Court (Wilper)
6/4/2008	HRHD	DCJOHNSI	Hearing result for Review held on 06/04/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 07/02/2008 05:00 PM)	Ronald Drug Court (Wilper)
6/19/2008	HRVC	CCHUNTAM	Hearing result for Review held on 07/02/2008 05:00 PM: Hearing Vacated	Ronald Drug Court (Wilper)
	HRSC	CCHUNTAM	Hearing Scheduled (Review 06/25/2008 03:00 PM)	Ronald Drug Court (Wilper)
6/25/2008	HRHD	DCJOHNSI	Hearing result for Review held on 06/25/2008 03:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 07/23/2008 05:00 PM)	Ronald Drug Court (Wilper)
7/23/2008	HRHD	DCJOHNSI	Hearing result for Review held on 07/23/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 08/20/2008 05:00 PM)	Ronald Drug Court (Wilper)
7/29/2008	NAPP	DCJOHNSI	Notice to Appear	Ronald Drug Court (Wilper)

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
7/29/2008	CONT	DCJOHNSI	Continued (Review 08/06/2008 03:00 PM)	Ronald Drug Court (Wilper)
8/6/2008	HRHD	DCJOHNSI	Hearing result for Review held on 08/06/2008 03:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 08/20/2008 05:00 PM)	Ronald Drug Court (Wilper)
8/7/2008	ORDR	DCJOHNSI	Order for Jail	Ronald Drug Court (Wilper)
8/20/2008	HRHD	DCJOHNSI	Hearing result for Review held on 08/20/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 09/17/2008 05:00 PM)	Ronald Drug Court (Wilper)
9/18/2008	HRHD	DCJOHNSI	Hearing result for Review held on 09/17/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 10/15/2008 05:00 PM)	Ronald Drug Court (Wilper)
10/15/2008	HRHD	DCJOHNSI	Hearing result for Review held on 10/15/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 11/12/2008 05:00 PM)	Ronald Drug Court (Wilper)
10/16/2008	PH3	DCJOHNSI	Phase III Contract	Ronald Drug Court (Wilper)
11/12/2008	HRHD	DCJOHNSI	Hearing result for Review held on 11/12/2008 05:00 PM: Hearing Held	Ronald Drug Court (Wilper)
11/13/2008	CHGA	DCJOHNSI	Judge Change: Adminstrative	Timothy Drug Court (Hansen)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 12/03/2008 05:00 PM)	Timothy Drug Court (Hansen)
11/21/2008	PROS	PRPERRRA	Prosecutor assigned KAREN SHEEHAN	Timothy Drug Court (Hansen)
12/4/2008	HRHD	DCOLSOMA	Hearing result for Review held on 12/03/2008 05:00 PM: Hearing Held	Timothy Drug Court (Hansen)
	HRSC	DCOLSOMA	Hearing Scheduled (Review 01/07/2009 05:00 PM)	Timothy Drug Court (Hansen)
1/7/2009	HRHD	DCOLSOMA	Hearing result for Review held on 01/07/2009 05:00 PM: Hearing Held	Timothy Drug Court (Hansen)
	HRSC	DCOLSOMA	Hearing Scheduled (Review 02/04/2009 05:00 PM)	Timothy Drug Court (Hansen)
	PH4	DCOLSOMA	Phase IV Contract	Timothy Drug Court (Hansen)
2/4/2009	HRHD	DCJOHNSI	Hearing result for Review held on 02/04/2009 05:00 PM: Hearing Held	Timothy Drug Court (Hansen)
	HRSC	DCJOHNSI	Hearing Scheduled (Review 03/04/2009 05:00 PM)	Timothy Drug Court (Hansen)
3/4/2009	CONT	DCOLSOMA	Continued (Review 03/18/2009 03:00 PM)	Timothy Drug Court (Hansen)

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
3/18/2009	CONT	DCOLSOMA	Continued (Review 03/18/2009 06:00 PM)	Timothy Drug Court (Hansen)
	HRHD	DCOLSOMA	Hearing result for Review held on 03/18/2009 06:00 PM: Hearing Held	Timothy Drug Court (Hansen)
3/19/2009	MOTN	DCOLSOMA	Motion to Place Defendant on Unsupervised Probation	Timothy Drug Court (Hansen)
	ORDR	DCOLSOMA	Order Placing Defendant on Unsupervised Probation	Timothy Drug Court (Hansen)
6/7/2010	MOTN	TCTHOMBJ	Motion for BW for PV	Timothy Drug Court (Hansen)
6/9/2010	ORDR	TCTHOMBJ	Order for BW for PV	Timothy Drug Court (Hansen)
	WARB	TCTHOMBJ	Warrant Issued - Bench Bond amount: NO BOND Failing to comply with a court order Defendant: Stewart, Amber Dawn	Timothy Drug Court (Hansen)
	STAT	TCTHOMBJ	STATUS CHANGED: Inactive	Timothy Drug Court (Hansen)
9/9/2010	WART	TCMCCOSL	Warrant Returned Failing to comply with a court order Defendant: Stewart, Amber Dawn	Timothy Drug Court (Hansen)
	STAT	TCMCCOSL	STATUS CHANGED: Pending	Timothy Drug Court (Hansen)
	BOOK	TCMCCOSL	Booked into Jail on:	Timothy Drug Court (Hansen)
	HRSC	TCMCCOSL	Hearing Scheduled (Video Arraignment 09/09/2010 01:30 PM)	Cawthon / Irby
	HRSC	TCMCCOSL	Hearing Scheduled (Arraignment 09/15/2010 03:00 PM)	Timothy Drug Court (Hansen)
	CHGA	TCCASTAE	Judge Change: Adminisitrative	Arraignment Judge
	CONT	TCCASTAE	Continued (Video Arraignment 09/10/2010 01:30 PM)	John Hawley Jr.
9/10/2010	ARRN	TCFINNDE	Hearing result for Video Arraignment held on 09/10/2010 01:30 PM: Arraignment / First Appearance	Richard Grant
		MADAVISM	Notice of Hearing	Arraignment Judge
		MADAVISM	Notice of Hearing	Arraignment Judge
9/14/2010	CHGA	DCOATMAD	Judge Change: Adminisitrative	Mike Wetherell
9/16/2010	DCHH	DCOATMAD	Hearing result for Arraignment held on 09/16/2010 09:00 AM: District Court Hearing Held Court Reporter: Vannessa Gosney Number of Transcript Pages for this hearing estimated: less than 50	Mike Wetherell
	PLEA	DCOATMAD	A Plea is entered for charge: - GT (IX20-227-B {F} PROBATION VIOLATION)	Mike Wetherell
	FIGT	DCOATMAD	Finding of Guilty (IX20-227-B {F} PROBATION VIOLATION)	Mike Wetherell

Date: 12/10/2010

Fifth Judicial District Court - Ada County

User: COTHIEBJ

Time: 03:56 PM

ROA Report

Page 7 of 7

Case: CR-FE-2006-0001422 Current Judge: Mike Wetherell

Defendant: Stewart, Amber Dawn

State of Idaho vs. Amber Dawn Stewart

Date	Code	User		Judge
9/16/2010	JAIL	DCOATMAD	Sentenced to Jail or Detention (IX20-227-B {F} PROBATION VIOLATION) Confinement terms: Credited time: 146 days. Penitentiary determinate: 2 years. Penitentiary indeterminate: 5 years.	Mike Wetherell
9/17/2010	PROS	PRFLEMSM	Prosecutor assigned Heather Reilly	Mike Wetherell
9/20/2010	ORDR	DCDANSEL	Order of Revocation of Probation, Imposition of Sentence and Commitment	Mike Wetherell
	APSC	TCPETEJS	Appealed To The Supreme Court	Mike Wetherell
9/24/2010	ORDR	DCOATMAD	Order Appt'g State Appellate PD on Appeal	Mike Wetherell

00109

DR # 06-633197

FILED
OCT 10 2006
J. DAVID NAVARRO, Clerk
By CANDY HULL
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

Connie Vietz
Deputy Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

Case No. M0613840

C O M P L A I N T

Stewart's DOB: [REDACTED]

Stewart's SSN: [REDACTED]

PERSONALLY APPEARED Before me this 10th day of October 2006, Connie Vietz, Deputy Prosecuting Attorney, in and for the County of Ada, State of Idaho, who, being first duly sworn, complains and says: that AMBER DAWN STEWART, on or about the 9th day of October, 2006, in the County of Ada, State of Idaho, did commit the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c) as follows:

That the Defendant, AMBER DAWN STEWART, on or about the 9th day of October, 2006, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

PC found
J.S.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.

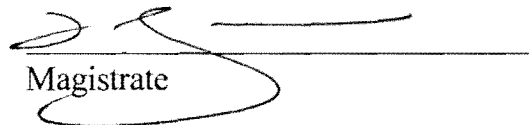
Said Complainant therefore prays that a Warrant issue for the arrest of the Defendant and that AMBER DAWN STEWART, may be dealt with according to law.

GREG H. BOWER
Ada County Prosecutor

 / for /

Connie Vietz
Deputy Prosecuting Attorney

SUBSCRIBED AND Sworn to before me this 10th day of October, 2006.


Magistrate

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

CASE NO. 170613840

vs.

CLERK H. MANLEY

Amber D. Stewart

DATE 10/10/06 TIME 1051

PROSECUTOR Kai Withner

TOXIMETER _____

COMPLAINING WITNESS _____

CASE ID. Gardunia 01001 BEG 105104

END 105223

JUDGE

- | | |
|--|------------------------------------|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> DENNARD | <input type="checkbox"/> REARDON |
| <input checked="" type="checkbox"/> GARDUNIA | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> SWAIN |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MacGREGOR-IRBY | |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

- ☒ Stat WITNESS SWORN
- ☒ PC FOUND C+1
- ☒ COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

CJ3BMIN
TCHULLCJ

ADA COUNTY MAGISTRATE MINUTES

10/10/2006
11:00:29

SCHEDULED EVENT:
Video Arraignment

JUDGE:
Theresa Gardunia

CLERK:
Heidi manley

DATE: 10/10/2006 TIME: 13:30 COURT REPORTER:

TAPE NO: PR/AGY: AC PROS: Dingy
P.D./ATTORNEY L Estes

STEWART AMBER DAWN M0613840.01 SSN [REDACTED] DOB [REDACTED]

1 POSSESSION S 37 2732 C F

135118 Case Called Def: ☒ Present ☐ Not Pres. ☒ In Custody
☐ Advised of Rights ☐ Waived Rts ☒ PD Appointed ☐ Waived Atty
☐ Guilty Plea/PV Admit ☐ N/G Plea ☐ Advise Subsq Penalty
☒ Bond \$ 5,000 ☐ ROR ☐ Pay/Stay ☐ Payment Agr

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135355 * Bond Augment

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13M0028 * Finish () Release Defendant

War# M8600003 Def# 01 Seq# 02 Type C Docket#

Rev: 3/97

00113

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

10/20/2006
8:16:34

SCHEDULED EVENT:
Preliminary Hearing

JUDGE:
Kevin Swain

CLERK:
Marilyn Edwards

DATE: 10/23/2006 TIME: 8:30

COURT REPORTER:

TAPE NO: Swain 102306

PR/AGY: AC

PROS:

P.D. ATTORNEY

Ben Hammer
Kevin Rogers

STEWART AMBER DAWN

M0613840.01

SSN

DOB

1 POSSESSION S. 37 2732 C F

092044

Case Called Def:

X

Present

Not Pres.

In Custody

Advised of Rights

Waived Rts

PD Appointed

Waived Atty

Guilty Plea/PV Admit

N/G Plea

Advise Subsq Penalty

✓ Bond \$ 5000

ROR

Pay/Stay

Payment Agr

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Reg SO

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Reset 11/14/06 @ 830am

092221

* Finish () Release Defendant

War# M0613959 Def# 01 Seq# 01 Type A Docket#

Rev: 3/97

00114

FILED
9:45 P.M.
NOV 14 2006
J. DAVID NAVARRO CLERK
BY *[Signature]* DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Ben Harmer

Deputy Prosecuting Attorney

200 W. Front Street, Room 3191

Boise, Idaho 83702

Phone: 287-7700

Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

AMBER DAWN STEWART,

Defendant.

H0601422
Case No. M0613840

COMMITMENT

Defendant's DOB: [REDACTED]

Defendant's SSN: [REDACTED]


THE ABOVE NAMED DEFENDANT, AMBER DAWN STEWART, having been brought before this Court for a Preliminary Examination on the 14 day of NOV, 2006, on a charge that the Defendant on or about the 9th day of October, 2006, in the County of Ada, State of Idaho, did commit the crime of: POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c), as follows:

That the Defendant, AMBER DAWN STEWART, on or about the 9th day of October, 2006, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

The Defendant having so appeared and having had/having waived preliminary examination, the Court sitting as a Committing Magistrate finds that the offense charged as set forth has been committed in Ada County, Idaho, and that there is sufficient cause to believe that the Defendant is guilty of committing the offense as charged.

WHEREFORE, IT IS ORDERED that the Defendant be held to answer to the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, to the charge herein set forth. Bail is set in the sum of \$ 5,000.

DATED this 14 day of NOV, 2006.



MAGISTRATE

CJ3BMIN
CCEDWARM

ADA COUNTY MAGISTRATE MINUTES

11/07/2006
13:09:55

SCHEDULED EVENT:
Preliminary Hearing

JUDGE:
Kevin Swain

CLERK:
Marilyn Edwards

DATE: 11/14/2006 TIME: 8:30

COURT REPORTER:

TAPE NO: Swain 111406

PR/AGY: AC

PROS:

P.D. / ATTORNEY

STEWART AMBER DAWN

M0613840.01

SSN

DOB

1 POSSESSION S 37 2732 C F

094436 Case Called Def: X Present ☐ Not Pres. ☐ In Custody
☐ Advised of Rights ☐ Waived Rts ☐ PD Appointed ☐ Waived Atty
☐ Guilty Plea/PV Admit ☐ N/G Plea ☐ Advise Subsq Penalty
☒ Bond \$ 5000 ☐ ROR ☐ Pay/Stay ☐ Payment Agr

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094728 * Finish () Release Defendant

War# M0613844 Def# 01 Seq# 01 Type B Docket#

Rev: 3/97

00117

NO. _____
A.M. _____ P.M. _____
FILED
NOV 15 2006

J. DAVID NAVARRO, Clerk
By S. RILEY
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney
200 W. Front Street, Room 3191
Boise, Idaho 83702
Phone: 287-7700
Fax: 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
AMBER DAWN STEWART,)
)
Defendant.)
_____)

Case No. H0601422


INFORMATION

Defendant's DOB: [REDACTED]
Defendant's SSN: [REDACTED]

GREG H. BOWER, Prosecuting Attorney, in and for the County of Ada, State of Idaho, who in the name and by the authority of the State, prosecutes in its behalf, comes now into District Court of the County of Ada, and states that AMBER DAWN STEWART is accused by this Information of the crime of: POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. §37-2732(c), which crime was committed as follows:

That the Defendant, AMBER DAWN STEWART, on or about the 9th day of October, 2006, in the County of Ada, State of Idaho, did unlawfully possess a controlled substance, to-wit: Methamphetamine and/or Amphetamine, a Schedule II controlled substance.

All of which is contrary to the form, force and effect of the statute in such case and against the peace and dignity of the State of Idaho.



GREG H. BOWER
Ada County Prosecuting Attorney

Session: Wetherell1113006

Session: Wetherell1113006
Session Date: 2006/11/30
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:36

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Felix, Katy
Fisher, Jean
Haws, Gabriel
Meehan, Julianne

Public Defender(s):
Carhill, Gus
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0012

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Felix, Katy
Public Defender: Wollen, Nick

2006/11/30

10:12:00 - Operator
Recording:
10:12:00 - New case
Stewart, Amber
10:12:15 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
10:12:26 - Judge: Wetherell, Mike
Ct arrgs on Information
10:13:43 - Public Defender: Wollen, Nick
Requests two week
10:13:47 - Judge: Wetherell, Mike
Dec 14, 2006 at 9:00 entry of plea
10:14:05 - Operator
Stop recording:

00120

Session: Wetherell121406
Session Date: 2006/12/14
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:48

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Armstrong, Shelley
Felix, Katy
Haws, Gabriel
Meehan, Julianne

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0027

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Haws, Gabriel
Public Defender: Wollen, Nick

2006/12/14

12:24:23 - Operator
Recording:
12:24:23 - New case
Stewart, Amber
12:24:40 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
12:24:54 - Public Defender: Wollen, Nick
GG plea to chrg of possession controlled substance -- rec'd
felony prob; 120d
12:25:16 - Public Defender: Wollen, Nick
ACJ 1+4, open fine, restitution, PD fees -- defense seeking
withheld
12:27:09 - Defendant: Stewart, Amber
Sworn; Ct inquires re: gg plea
12:34:14 - Judge: Wetherell, Mike
Ct accepts gg plea; orders PSI -- Sentencing Feb 1, 2007 at
3:30
12:34:29 - Judge: Wetherell, Mike

00121

Ct orders substance abuse eval
12:35:03 - Operator
Stop recording:

Session: Wetherell020107
Session Date: 2007/02/01
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 07:44

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Alidjani, Fafa
Duggan, Barbara
Fisher, Jean
Haws, Gabriel
Lockward, Robert
Meehan, Julianne

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0046

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Wollen, Nick

2007/02/01

15:59:47 - Operator
Recording:
15:59:47 - New case
Stewart, Amber
16:00:24 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
16:01:48 - State Attorney: Duggan, Barbara
Inquires re: substance abuse eval
16:01:58 - Public Defender: Wollen, Nick
Apologizes to the Court -- did not pass that onto client
16:02:24 - Judge: Wetherell, Mike
Ct inquires of counsel re: proceeding today and order def to
obtain eval and
16:02:45 - Judge: Wetherell, Mike
follow rec'd or order eval before sentencing
16:03:01 - State Attorney: Duggan, Barbara

00123

Wishes to see eval before sentencing -- but will defer to the Court

16:03:27 - Public Defender: Wollen, Nick
Wishes eval as well

16:04:26 - Judge: Wetherell, Mike
March 16, 2007 at 11:00 sentencing -- Ct adv parties contemplating a w/held

16:04:57 - Judge: Wetherell, Mike
judgment -- does not mean he would not agree w/State's rec'd of in custody

16:05:27 - Judge: Wetherell, Mike
treatment

16:05:31 - State Attorney: Duggan, Barbara
Disagrees -- def did not tell officers the truth and does not believe def

16:05:57 - State Attorney: Duggan, Barbara
should rec'd benefit of w/held

16:06:06 - Operator
Stop recording:

Session: Wetherell031607

Page: 1

Session: Wetherell031607
Session Date: 2007/03/16
Judge: Wetherell, Mike
Reporter: Redlich, Kasey

Division: DC
Session Time: 08:34

Courtroom: CR504

Clerk(s):
Cathman, Diane

State Attorneys:
Armstrong, Shelley
Duggan, Barbara
Guzman, Cathy
Meenan, Julianne

Public Defender(s):
Simonaitis, David
Wollen, Nick

Prob. Officer(s):

Court Interpreter(s):

Case ID: 0007

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Wollen, Nick

2007/03/16

11:41:36 - Operator
Recording:
11:41:36 - New case
Stewart, Amber
11:42:12 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
11:42:26 - Public Defender: Wollen, Nick
Document from St Als re: addiction recovery
11:45:35 - Judge: Wetherell, Mike
Ct notes all materials received
11:48:44 - State Attorney: Duggan, Barbara
Comments/rec'd JOC-prob w/treatment prog \$100 lab fees, PD f
ees
11:51:57 - Public Defender: Wollen, Nick
Comments/rec'd w/held judgment, 4yrs prob, \$100 restitution,
PD fees
11:58:44 - Public Defender: Wollen, Nick
Def to followup on treatment prog at St Als
11:58:57 - Defendant: Stewart, Amber

00125

Addresses the Court

11:59:46 - Judge: Wetherell, Mike

Inquires of def

12:04:32 - Judge: Wetherell, Mike

Addresses issues w/ref to placing def on prob

12:05:39 - Public Defender: Wollen, Nick

No legal cause

12:06:18 - Judge: Wetherell, Mike

Ct will grant the def a withheld judgment

12:07:22 - Judge: Wetherell, Mike

Any violation involving drugs, Ct will send def on a rider

12:07:44 - Judge: Wetherell, Mike

5yrs prob--std terms

12:14:59 - Defendant: Stewart, Amber

Understands and accepts terms and conditions of prob

12:15:14 - Judge: Wetherell, Mike

Appeal rights

12:16:35 - Operator

Stop recording:

Defendant's Name:

Andrew Stewart

Case No.

H0601422

5

years probation - expires

March 15, 2012

- ☒ No law violations
- ☒ Supervision / court costs ☐ fine _____ / _____ suspended ☒ Restitution \$ 100
- ☒ PD reimbursement \$ 300.00
- ☐ _____ days in county jail _____ susp / Credit _____ days, within _____ days,
All options granted if eligible
- ☐ SATP ☐ Brain Building Basics ☐ ABC Program (cognitive self change)
- ☐ Jail time may be served in _____ County no cost to this county
- ☒ Enroll, meaningfully participate, complete any program specified by PO, which shall include mental health, substance abuse, thinking errors, anger management and vocational rehab.
- ☒ Maintain employment, actively seeking employment, or full time student
- ☐ Review for vocational rehabilitation and/or obtain GED or HSE
- ☒ Shall not purchase, carry or possess firearms or other weapons
- ☒ If defendant requests supervision be transferred, documents shall be admissible
- ☒ 180 days discretionary jail time, to be served at PO's request without prior approval
- ☒ Do not purchase, possess or consume alcohol
- ☒ Do not purchase, possess or use controlled substances, unless specifically prescribed
- ☒ No frequent bars
- ☒ No associations prohibited by PO
- ☒ Submit to tests of blood, breath, saliva, and urine at own expense
- ☒ Submit to polygraph as to compliance with conditions of probation
- ☒ Defendant shall enroll in substance abuse treatment, including inpatient
- ☒ Fourth Amendment waiver
- ☒ Fifth Amendment waiver
- ☒ Sixth Amendment waiver
- ☒ Obtain alcohol/substance abuse evaluation and follow recommendations - *def in treatment may not be necessary*
- ☐ Do not become intimately involved with anyone under the age of 18 years
- ☐ Complete sex offender treatment including plethysmograph and polygraph examinations
- ☐ Do not become intimately involved with anyone who has female child under 18 residing in home
- ☐ No unsupervised contact with any female under the age of 18
- ☐ No contact with the victim
- ☐ Register with the Sheriff's Office in county of residence and give any address where temporarily or permanently residing
- ☐ Pay _____ to the City-County Drug Enforcement as reimbursement of the "buy money"
- ☒ 100 hours of community service, and pay 60 cent fee for each hour of service
- ☐ Attend NA/AA meetings
- ☐ Obtain psychological/psychiatric treatment
- ☐ Establish budget with PO, verify income and expenses
- ☐ No checking account or credit cards while on probation ☐ No new indebtedness
- ☒ Advise future employers in writing, including the statement that this is a substance abuse offense *if employ- ment def has access to prescription drugs*
- ☒ Def's driving privileges suspended - violation will be considered viol of fundamental condition
- ☒ Def ~~final~~ opportunity at prob
- ☐ Time spent of prob not credited
- ☒ Def has received WHJ - viol will revoke
- ☐ Def has had _____ prior DUI offenses
- ☐ Defendant will waive extradition if placed outside this state
- ☐ Register for Selective Service

00127

MAR 20 2007

J. DAVID NAVARRO, Clerk
By _____ DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
AMBER DAWN STEWART,)
)
DOB: [REDACTED])
SS#: [REDACTED])
Defendant.)
_____)

Case No. H0601422

ORDER WITHHOLDING
JUDGMENT AND ORDER
OF PROBATION

WHEREAS, on the 30th day of November, 2006, AMBER DAWN STEWART was arraigned before the Honorable Mike Wetherell, District Judge, for the Fourth Judicial District of the State of Idaho, in and for the County of Ada, and charged with the crime of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c);

AND WHEREAS, through due process of law, the said defendant, AMBER DAWN STEWART, plead guilty to the offense of POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c) as charged in the Information, and requests probation from said District Court.

AND WHEREAS, the said District Court, having ascertained the desirability of granting the petition of probation, does hereby order and decree that the said defendant, AMBER DAWN

STEWART, be placed on probation and sentence is hereby withheld for a period of five (5) years under the following conditions, to-wit:

A. That the probation is granted to and accepted by the probationer, subject to all its terms and conditions and with the understanding that the Court may at any time, in case of the violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit to hand down.

B. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court with supervised probation and subject to the rules of probation as prescribed by the Board of Correction and the District Court.

C. That during said period of probation the said defendant shall not violate any law or ordinance of the United States or any City, State or County therein, wherein a fine or bond forfeiture of more than \$100.00 or a jail term could have been imposed as a penalty.

D. Special conditions, to wit:

1. Defendant shall pay the sums set out in this judgment for fines, fees, restitution, costs, etc., to the Ada County Clerk's Office in reasonable monthly installments as arranged with the probation officer.
2. Defendant shall participate in any and all programs of rehabilitation recommended by her probation officer, including but not limited to programs of mental health, substance abuse and criminal thinking errors.
3. During the entire term of probation, the said defendant shall maintain steady employment, be actively seeking employment or be enrolled as a full-time student.
4. Defendant shall not purchase, carry or have in her possession any firearm(s) or other weapons.
5. If the defendant requests that supervision of probation be transferred to any place other than the Fourth Judicial District (either within or outside Idaho),

by doing so, the defendant agrees that any documents purportedly received from the agency supervising the defendant shall be admissible into evidence at a probation violation hearing without the state having to show that such evidence is credible and reliable, and the defendant shall waive any right to confront the author of such documents.

6. Defendant shall serve an additional one hundred eighty (180) days in the Ada County Jail at the discretion of the probation officer, without prior approval of the Court. The probation officer has the discretion and authority to immediately deliver defendant to the Sheriff for incarceration in the county jail for the purpose of having defendant serve this discretionary time and the Sheriff shall commit the defendant to serve this time on request of the probation officer without further order from the Court; The probation officer shall immediately file with the Court a written statement of the reasons defendant has been placed in custody, for review by the Court. The probation officer shall have all options available.
7. Defendant shall not purchase, possess or consume any alcoholic beverages while on probation.
8. Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor.
9. Defendant shall not frequent establishments where alcohol is the main source of income.
10. Defendant shall not associate with individuals specified by her probation officer.
11. Defendant agrees to tests of blood, breath, saliva or urine or other chemical tests for the detection of alcohol and/or drugs at the request of her probation officer, to be administered at defendant's own expense. In addition, defendant is to submit to any field sobriety evaluations requested by a law enforcement officer and shall submit to any test of her blood, breath or urine offered by a law enforcement officer for D.U.I. detection.
12. Upon request of her probation officer, defendant agrees to submit to polygraph examinations administered by qualified examiners and limited in scope to those matters which are calculated to determine whether defendant is complying with the lawful conditions of her probation.

13. If deemed necessary by her probation officer, defendant shall enroll in, meaningfully participate and complete any substance abuse treatment program identified by her probation officer, including inpatient treatment.
14. Defendant agrees to waive her Fourth Amendment rights applying to search and seizure as provided by the United States Constitution, and to submit to a search by her probation officer or any law enforcement officer of her person, residence, vehicle or other property upon request. Defendant shall not reside with any person who does not consent to such a search.
15. Defendant shall waive her Fifth Amendment rights to the extent that she must answer truthfully all questions of a probation officer reasonably related to compliance or non-compliance with the conditions of probation.
16. Defendant shall waive her Sixth Amendment rights of confrontation in so far as the State may use reliable hearsay evidence at any probation violation hearing.
17. Defendant shall be required to obtain an alcohol and/or substance evaluation and follow any recommendations of that evaluation.
18. Defendant shall perform one hundred (100) hours community service and pay any fee required.
19. Defendant is to advise her employer or any future employer, in writing, of this conviction, if her position in any way involve access to prescription drugs, including the statement that she is on felony probation for a substance abuse offense.
20. The defendant has had her driving privileges suspended or restricted by the terms of this order or by prior orders and is advised that in the event defendant should admit to or be found guilty of driving without privileges, that the defendant will be considered to have violated a fundamental condition of probation and that either a rider or imposition of the underlying sentence will take place.
21. The defendant because of her drug abuse history is advised that this is her only opportunity at probation. Failure to abide by the conditions of probation resulting in a motion for probation violation involving substance abuse, DUI or drug violations, will, if proven or admitted, be considered a violation of a fundamental condition of probation which will result either in imposition of a rider or imposition of the underlying sentence.

22. The defendant has received a withheld judgment. If the defendant successfully serves his/her sentence, then this charge will be dismissed. The record will still show the charge was filed, but it will also show it was dismissed. Any violation of probation will result in revocation of the withheld judgment and may result in imposition of the maximum allowable jail or prison time, or fines or both for the original charge.

E. THAT THE PROBATIONER, IF PLACED ON PROBATION TO A DESTINATION OUTSIDE THE STATE OF IDAHO, OR LEAVES THE CONFINES OF THE STATE OF IDAHO WITH OR WITHOUT PERMISSION OF THE DIRECTOR OF PROBATION AND PAROLE DOES HEREBY WAIVE EXTRADITION TO THE STATE OF IDAHO AND ALSO AGREES THAT THE SAID PROBATIONER WILL NOT CONTEST ANY EFFORT BY ANY STATE TO RETURN THE PROBATIONER TO THE STATE OF IDAHO.

That pursuant to Idaho Code Section 31-3201A(b) the defendant shall pay court costs in the amount of \$17.50; County Administrative Surcharge Fee in the amount of \$10.00 pursuant to I.C. § 31-4502; P.O.S.T. Academy fees in the amount of \$10.00 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of \$10.00 pursuant to I.C. § 31-3201(5); \$50.00 to the Victims Compensation Fund pursuant to I.C. § 72-1025; \$300.00 for reimbursement of public defender fees pursuant to I.C. § 19-854(c); \$10.00 for the drug hotline fee pursuant to I.C. § 37-2735A; \$100.00 restitution for lab costs; and community service fee (\$.60 per hour) as required by I.C. §31-3201C.

Further, defendant is to pay supervision of probation and parole costs in an amount not to exceed the maximum allowable by I.C. § 20-225.

Pursuant to I.C. § 18-309, defendant shall receive credit for two (2) days served in prejudgment incarceration.

This probation shall expire at midnight on March 15, 2012, unless otherwise ordered by the Court.

Done in open court this 16th day of March, 2007.



MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Probationer

Date of Acceptance

Probation Officer

CERTIFICATE OF MAILING


I hereby certify that on the 20th day of MARCH, 2007, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

PROBATION AND PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 
Deputy Court Clerk

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

STATE OF IDAHO, ADA COUNTY, MAGISTRATE DIVISION

PROBABLE CAUSE FORM

STATE OF IDAHO

VS.

Amber Dawn Stewart

PROSECUTOR Kai Withers

COMPLAINING WITNESS _____

CASE NO. H 0601422

CLERK MARILYN EDWARDS

DATE 10/25/2007 TIME 1043

TOXIMETER _____

CASE ID. Reardon 1025-07 BEG. 104333

END 104524

JUDGE

- | | |
|--|------------------------------------|
| <input type="checkbox"/> BIETER | <input type="checkbox"/> MANWEILER |
| <input type="checkbox"/> CAWTHON | <input type="checkbox"/> McDANIEL |
| <input type="checkbox"/> COMSTOCK | <input type="checkbox"/> MINDER |
| <input type="checkbox"/> DAY | <input type="checkbox"/> OTHS |
| <input type="checkbox"/> GARDUNIA | <input type="checkbox"/> REARDON |
| <input type="checkbox"/> HANSEN | <input type="checkbox"/> SCHMIDT |
| <input type="checkbox"/> HARRIGFELD | <input type="checkbox"/> SWAIN |
| <input checked="" type="checkbox"/> HAWLEY | <input type="checkbox"/> WATKINS |
| <input type="checkbox"/> MacGREGOR-IRBY | |
| <input type="checkbox"/> _____ | |
| <input type="checkbox"/> _____ | |

STATUS

☒ STATE SWORN

- ☐ PC FOUND _____
- ☒ Reardon COMPLAINT SIGNED
- ☐ AMENDED COMPLAINT SIGNED
- ☐ NO PC FOUND _____
- ☐ EXONERATE BOND
- ☐ SUMMONS TO BE ISSUED
- ☐ WARRANT ISSUED
- ☐ BOND SET \$ _____
- ☐ NO CONTACT

D.R. # _____

- ☐ DISMISS CASE
- ☒ IN CUSTODY

COMMENTS

- (☒) AGENT'S WARRANT #137 Withers 11/01/07 @ 900am
- () RULE 5 (b)
- () FUGITIVE

00136

CJ3BMIN
TCMCCOSL

ADA COUNTY MAGISTRATE MINUTES

10/25/2007
10:56:33

SCHEDULED EVENT:
Arraignment

JUDGE: Cawthon
Mike Wetherell

CLERK:
Liz Castaneda

10-25-07 130
DATE: 11/01/2007 TIME: 9:00

COURT REPORTER:

TAPE NO:

PR/AGY: AC

PROS:

P.D. ATTORNEY

Whitney Welsh
Jessica Bublitz

STEWART AMBER DAWN

H0601422.01

SSN 518-02-4647

DOB 08/20/1981

1 POSSESSION S 37 2732 C F

2 PROBATION S 20 227 B F

134233

Case Called Def: ☒ Present

☐ Not Pres.

☒ In Custody

☒ Advised of Rights

☐ Waived Rts

☒ PD Appointed

☐ Waived Atty

☐ Guilty Plea/PV Admit

☐ N/G Plea

☐ Advise Subsqt Penalty

☒ Bond \$ 25,000.00

☐ ROR

☐ Pay/Stay

☐ Pavment Agr

*

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*

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Arr 11/1/07 @ 9:00

w/ 137

134458*

* Finish () Release Defendant

War# H0601424 Def# 01 Seq# 01 Type B Docket#

Rev: 3/97

00137

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

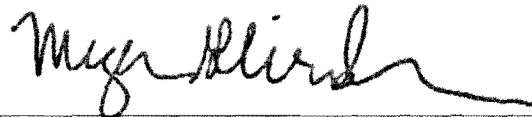
NO. _____
FILED
AM 10:44 PM.
OCT 29 2007
J. DAVID NAVARRO, Clerk
By SHERRI MOHN
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	Case No. H0601422
Plaintiff,)	
	)	MOTION FOR BOND REDUCTION
vs.)	
)	
AMBER D. STEWART,)	
)	
Defendant.)	
)	
)	

COMES NOW, AMBER D. STEWART, the defendant above-named, by and through counsel MEGAN GLINDEMAN, Ada County Public Defender's Office, and moves this Court for its ORDER reducing bond in the above-entitled matter upon the grounds and for the reason that the bond is so unreasonably high that the defendant, who is an indigent person without funds, cannot post such a bond and that the defendant has thereby been effectively denied her right to bail.

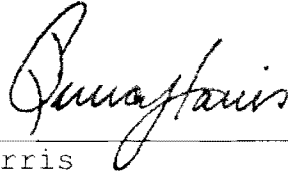
DATED, October 29, 2007.



MEGAN GLINDEMAN
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on October 29, 2007, I mailed a true and correct copy of the foregoing to the Ada County Prosecuting Attorney's office by placing said same in the Interdepartmental Mail.



Quincy Harris

OCT 31 2007

J. DAVID NAVARRO, Clerk
By S M TANGELDER
DEPUTY

GREG H. BOWER

Ada County Prosecuting Attorney

Barbara A. Duggan

Deputy Prosecuting Attorney

200 West Front Street, Room 3191

Boise, Idaho 83702

Phone:(208) 287-7700

Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)

Plaintiff,)

vs.)

AMBER DAWN STEWART,)

Defendant.)

Case No. H0601422

**MOTION FOR PROBATION
VIOLATION**

(AGENTS WARRANT)

STATE OF IDAHO)

) ss:

County of Ada)

COMES NOW, Barbara A. Duggan, Deputy Prosecuting Attorney for Ada County,
State of Idaho, being first duly sworn, deposes and says:

That on the 14th day of December, 2006, the Defendant AMBER DAWN
STEWART pled guilty to POSSESSION OF A CONTROLLED SUBSTANCE, FELONY;

MOTION FOR PROBATION

VIOLATION, (AGENTS WARRANT), (STEWART/H0601422), Page 1

00140

and that on the 16th day of March, 2007, this Court placed the Defendant on probation for a period of five (5) years.

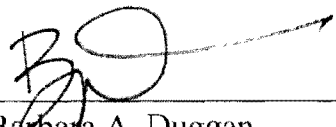
This Court required, and the Defendant agreed, that as a condition of probation she would respect and obey all the laws of the State of Idaho, at all times conduct herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of her probation agreement by:

1. Failing to pay fines, fees, and costs as ordered by the court;
- ✓ 2. Failing to attend and/or successfully complete St. Alphonsus' addiction recovery program as lawfully requested by her supervising officer;
3. Terminating her employment without prior approval from her supervising officer;
4. Failing to maintain full-time employment and/or enroll as a full time student as ordered by the Court;
5. Using a controlled substance, to-wit METHAMPHETAMINES AND MARIJUANA on or about the 23rd day of March, 2007, per the urinalysis results;
- ✓ 6. Using a controlled substance, to-wit MARIJUANA on or about the 21st day of April, 2007, per the defendant's oral and/or written admission;
- ✓ 7. Using a controlled substance, to-wit MARIJUANA on or about the 24th day of October, 2007, per the defendant's oral and/or written admission;
- ✓ 8. Failing to perform one hundred (100) hours of community service and provide documentation of completion as ordered by the court;
9. Failing to pay the cost of supervision fee as ordered by the Court;

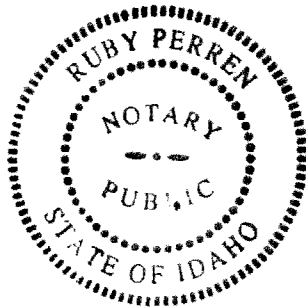
WHEREFORE, your affiant prays for a hearing, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

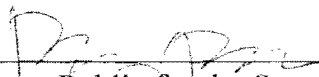
GREG H. BOWER

Ada County Prosecuting Attorney


By: Barbara A. Duggan
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 20 day of October, 2007.




Notary Public for the State of Idaho
Residing at Mendon, Idaho
Commission Expires: 10/22/10

Session: Wetherell1110107
Session Date: 2007/11/01
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:19

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorneys:
Buttram, Tessie
Christianson, David
Duggan, Barbara
Meehan, Julianne
Reilly, Heather
WATCOTT, JUSTIN

Public Defender(s):
Cahill, August
Geddes, Anthony
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):
Barrios, Sandra

Case ID: 0018

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Glindeman, Megan

2007/11/01

11:13:48 - Operator
Recording:
11:13:48 - New case
Stewart, Amber
11:14:06 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
11:14:16 - Judge: Wetherell, Mike
Ct arrgs on PV
11:18:17 - Public Defender: Glindeman, Megan
Requests one week
11:18:22 - Judge: Wetherell, Mike
Nov 8, 2007 at 9:00 PV admit/deny
11:18:44 - Operator
Stop recording:

00143

NO. _____
A.M. _____ P.M. 5

NOV 9 6 2007

J. DAVID NAVARRO, Clerk
By R. GALLAGHAN
DEPUTY

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 West Front Street, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400
Facsimile: (208) 287-7409

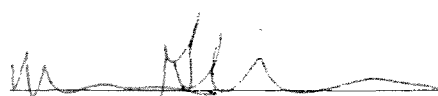
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
	)	CASE NO. H0601422
Plaintiff,)	
	)	MOTION TO ACCESS COURT
vs.	)	INTERLOCK DEVICE FUND FOR
	)	PARTICIPATION IN THE ACTIVE
AMBER DAWN STEWART,	)	BEHAVIOR CHANGE CLASS AND
	)	SUBSTANCE ABUSE PROGRAM
Defendant.)	
)	

COMES NOW, AMBER DAWN STEWART, the defendant above-named, by and through undersigned counsel, and moves this Court for an ORDER allowing the defendant access to the court interlock device and electronic monitoring device fund to pay for the defendant's participation in the Ada County Sheriff's Active Behavior Change class and Substance Abuse Program.

DATED, this 5th day of November 2007.


MEGAN GLINDEMAN
Attorney for Defendant

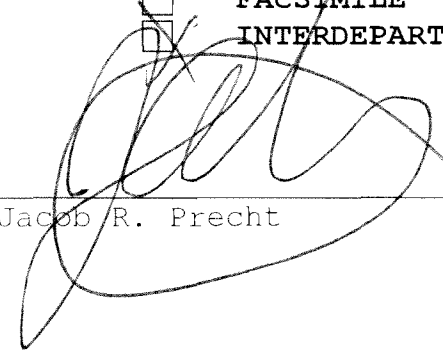
MOTION TO ACCESS COURT INTERLOCK DEVICE FUND FOR PARTICIPATION
IN THE ACTIVE BEHAVIOR CHANGE CLASS AND SUBSTANCE ABUSE PROGRAM

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 6 day of November 2007,
I mailed a true and correct copy of the foregoing to:

BARBARA A. DUGGAN
DEPUTY PROSECUTOR
ATTORNEY FOR PLAINTIFF
ADA COUNTY PROSECUTOR'S OFFICE

<input type="checkbox"/>	U.S. MAIL
<input type="checkbox"/>	HAND DELIVERED
<input type="checkbox"/>	FACSIMILE
<input checked="" type="checkbox"/>	INTERDEPARTMENTAL MAIL



Jacob R. Precht

Session: Wetherell110807
Session Date: 2007/11/08
Judge: Wetherell, Mike
Reporter: Hirmer, Jeanne

Division: DC
Session Time: 08:10

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorneys:

Buttram, Tessie
Christianson, David
Duggan, Barbara
Meehan, Julianne
Reilly, Heather
Taylor, Joshua

Public Defender(s):

Cahill, August
Geddes, Anthony
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0028

Case Number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Duggan, Barbara
Public Defender: Glindeman, Megan

2007/11/08

11:18:12 - Operator

Recording:

11:18:12 - New case

Stewart, Amber

11:18:29 - Judge: Wetherell, Mike

Ct calls case; def present in custody w/counsel
11:18:37 - Public Defender: Glindeman, Megan
Admit PV alleg 2, 6, 7, and 8 balance dism'd -- def to be screened for drug
11:19:08 - Public Defender: Glindeman, Megan
court, if successful, underlying charge dism'd
11:19:42 - State Attorney: Duggan, Barbara
Believes def will be accepted, but if not, PV admissions still stand
11:22:54 - Defendant: Stewart, Amber
Sworn & examined by the Court re: PV admissions
11:29:15 - Judge: Wetherell, Mike
Ct accepts admissions--sets for revw on Nov 29, 2007 at 9:00
11:31:18 - Judge: Wetherell, Mike
Ct inquires re: withheld judgment
11:32:38 - State Attorney: Duggan, Barbara
Suggests def be ordered to drug Ct, if accepted def may be sentenced, revoke
11:33:03 - State Attorney: Duggan, Barbara
w/held place def on prob, if successful Judge Wilper to dism'd orig case
11:34:53 - Judge: Wetherell, Mike
Ct will order screening
11:35:03 - Judge: Wetherell, Mike
Ct adv def re: def taking responsibility for actions
11:37:17 - Operator
Stop recording:

NOV 08 2007

J. DAVID NAVARETTO, Clerk
J. JOHNSON
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff,

vs.

Andrew Stewart

Defendant.

)
)
) Case No. Hd60422
)

**ORDER TO MAKE DEFENDANT
AVAILABLE FOR ASSESSMENT
FOR DRUG COURT**

It being necessary to conduct a drug assessment to determine whether or not
the Defendant is appropriate for Drug Court,

IT IS HEREBY ORDERED that the Ada County jail personnel shall transport the
above-named Defendant to the Ada County Courthouse and make the defendant available
to representatives of Ada County Treatment Services so that they can interview the
Defendant for a Drug Court assessment on Nov. 14, 2007 at 9:00 a.m.

Dated: 11/8/07

[Signature]
Ronald J. Wilper
District Judge

FAXed to Ada County Jail: 321-2847

Order to Make Defendant Available for Drug Court Assessment

Session: Wetherell1112907
Session Date: 2007/11/29
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:12

Courtroom: CR507

Clerk(s):

Oatman, Diane

State Attorneys:

Alidjani, Fafa
Buttram, Tessie
Christianson, David
Duggan, Barbara
Meehan, Julianne
Reilly, Heather

Public Defender(s):

Cahill, August
Geddes, Anthony
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0031

Case Number: H0601422

Plaintiff:

Plaintiff Attorney:

Defendant: Stewart, Amber

Co-Defendant(s):

Pers. Attorney:

State Attorney: Christianson, David

Public Defender: Glindeman, Megan

2007/11/29

12:11:08 - Operator

Recording:

12:11:08 - New case

Stewart, Amber

12:11:25 - Judge: Wetherell, Mike

Ct calls case; def present in custody w/counsel

12:11:44 - Judge: Wetherell, Mike

ct notes agreement by def -- referral to drug ct

12:12:15 - Public Defender: Glindeman, Megan

Notes def has been accepted into drug ct w/Judge Wilper

12:12:49 - Judge: Wetherell, Mike

Def to appear before Judge Wilper Dec 5, 2007 at 3:00

12:14:58 - Judge: Wetherell, Mike

Ct will check w/Judge Wilper before OR release

12:15:29 - Operator

stop Recording

Session: Wetherell1113007
Session Date: 2007/11/30
Judge: Wetherell, Mike
Reporter: Omsberg, Nicole

Division: DC
Session Time: 08:17

Courtroom: CR504

Clerk(s):
Oatman, Diane

State Attorney(s):
Duggan, Barbara
Meehan, Julianne
Reilly, Heather

Public Defender(s):
Cahill, August
Geddes, Anthony
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0002

Case number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney:
Public Defender:

2007/11/30

10:02:36 - Operator
Recording:
10:02:36 - New case
Stewart, Amber
10:02:50 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
10:03:01 - Judge: Wetherell, Mike
Ct notes def accepted into drug court and will be rel'd on her own
10:03:22 - Judge: Wetherell, Mike
recognizance--def to report directly to drug court after released
10:03:50 - Judge: Wetherell, Mike
Ct releases def on own recognizance -- orders def to report to drug court
10:04:09 - Judge: Wetherell, Mike
office today if possible depending upon time released
10:05:45 - Operator
Stop recording:

00150

Session: Wetherell121307
Session Date: 2007/12/13
Judge: Wetherell, Mike
Reporter: Kreidler, Debora

Division: DC
Session Time: 08:42

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Armstrong, Shelley
Buttram, Tessie
Christianson, David
Duggan, Barbara
Meehan, Julianne

Public Defender(s):
Geddes, Anthony
Glendaman, Megan
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):
Barrios, Sandra

Case ID: 0033

Case number: H0601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Meehan, Julianne
Public Defender: *megan glindeman*

2007/12/13

12:39:22 - Operator
Recording:
12:39:22 - New case
Stewart, Amber
12:39:39 - Judge: Wetherell, Mike
Ct calls case; def present on bond w/counsel
12:40:34 - Judge: Wetherell, Mike
Ct revws file -- Ct places def back on prob adds additional cond complete
12:42:04 - Judge: Wetherell, Mike
drug prog; 180d discretionary jail
12:44:24 - Defendant: Stewart, Amber
Understands and accepts terms and cond of prob
12:44:35 - Judge: Wetherell, Mike
Appeal rights -- Def adv to appear Dec 19, 2007 at 3:00 before Judge Wilper

DEC 17 2007

J. DAVID NAVARRO, Clerk
By _____ DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. H0601422
)	
AMBER DAWN STEWART,	)	ORDER REINSTATING AND
	)	AMENDING PROBATION
DOB: [REDACTED])	
SSN: [REDACTED])	
Defendant.)	
_____)	

WHEREAS, on the 13th day of December, 2007, the Prosecuting Attorney, the above defendant, AMBER DAWN STEWART, with counsel, Megan Glindeman, appeared before the Court for disposition regarding violation of probation;

WHEREAS the Court found that the defendant was in violation of the probation, but that probation should continue;

IT IS HEREBY ORDERED that probation be reinstated, upon the same terms and conditions entered by this Court on March 16, 2007, in the Order Withholding Judgment and Order of Probation filed on March 20, 2007, with said probation amended to include the following special condition(s):

a) As a fundamental condition of probation, defendant shall apply for participation in the Ada County Drug Court Program and shall successfully complete said program if accepted. Cost of said program shall be at the defendant's own expense.

b) Defendant may be required to serve an additional one hundred eighty (180) days in the Ada County Jail at the discretion of her probation officer and upon approval of this Court. The Drug Court Judge may also order defendant to serve up to one hundred eighty (180) days in the Ada County Jail.

IT IS FURTHER ORDERED that allegations #1, #3, #4, #5 and #9 are dismissed.

The defendant shall receive credit for fifty-three (53) days served in prejudgment incarceration.

This probation shall expire at midnight on March 15, 2012, unless otherwise ordered by the Court.

DATED this 13th day of December, 2007.


MIKE WETHERELL
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation and commitment to the Board of Correction to serve the sentence originally imposed.

Probationer Officer

Probationer

Date of Acceptance

CERTIFICATE OF MAILING

I hereby certify that on the 18th day of Dec, 2007, I mailed (served)

a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
INTERDEPARTMENTAL MAIL

ADA COUNTY PUBLIC DEFENDER
INTERDEPARTMENTAL MAIL

ADA COUNTY JAIL
VIA CLERK'S OFFICE
HAND-DELIVERED

PROBATION & PAROLE
INTERDEPARTMENTAL MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 

Deputy Court Clerk

**GUILTY PLEA FORM
FOR DRUG COURT PARTICIPANTS**

NO. _____ FILED _____
A.M. 9:45 P.M. _____

DEC 24 2007

Defendant's Name: Amber Stewart By J. DAVID NAVARRO, Clerk
INGA JOHNSON
DEPUTY

Date: _____

Case Number(s): H060/422

Pleading Guilty to: Charge(s):

Probation Violation

Minimum & Maximum Prison/Fine

5 years

**STATEMENT OF RIGHTS & EXPLANATION OF WAIVERS BY PLEA OF GUILTY
(PLEASE INITIAL EACH RESPONSE)**

- I. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you have a trial, the state could not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am waiving my right to remain silent before and during trial. JSO

- II. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. ASG.

III. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. I understand ASG.

IV. You are presumed to be innocent. You would be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am waiving my right to be presumed innocent. ASG.

V. You have the right to a speedy and public jury trial. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. The state must convince each and every one of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am waiving my right to a speedy and public jury trial. ASG.

VI. You have the right to confront the witnesses against you. This occurs during a jury trial where the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call your own witnesses of your choosing to testify concerning your guilt or innocence. If you do not have the funds to bring those witnesses to court, the state will pay the cost of bringing your witnesses to court.

I understand that by pleading guilty I am waiving my right to confront the witnesses against me, and to present witnesses and evidence in my defense. ASG.

QUESTIONS REGARDING PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

PLEASE CIRCLE ONE

1. Do you read and write the English language?

YES NO

If not, have you been provided with an interpreter to help you fill out this form?

YES NO N/A

2. What is your age? 26.

3. What is your true and legal name? AMBER DAWN STEWART
4. What was the highest grade you completed in school? 12TH + 10 mo TRADE School

If you did not complete high school, have you received either a general education diploma or high school equivalency diploma?

YES NO N/A

5. Are you currently under the care of a mental health professional?

YES NO

6. Have you ever been diagnosed with a mental health disorder?

YES NO

If so, what was the diagnosis and when was it made?

BIPOLAR

7. Are you currently prescribed any medication?

YES NO

If so, have you taken your prescription medication during the past 24 hours?

YES NO N/A

8. In the last 24 hours, have you taken any medications or drugs, or drank any alcoholic beverages which you believe affect your ability to make a reasoned and informed decision in this case?

YES NO

9. Is there any other reason that you would be unable to make a reasoned and informed decision in this case?

YES NO

10. Is your guilty plea the result of a plea agreement?

YES NO

If so, what are the terms of that plea agreement?
(If available, a written plea agreement should be attached hereto as "Addendum 'A'")

Reinstate Probation - add'l term:
Complete drug Court - Upon successful completion
w/in Judge's discretion whether released from probation

11. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea you are entering:

~~a. I understand that my plea agreement is a binding plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial.~~

b. I understand that my plea agreement is a non-binding plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, including the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. Yes

12. As a term of your plea agreement, are you pleading guilty to more than one crime?

YES NO

If so, do you understand that your sentences for each crime could be ordered to be served either concurrently (at the same time) or consecutively (one after the other)?

YES NO N/A

13. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues?

YES NO

If so, what issue are you reserving the right to appeal?

14. Have you waived your right to appeal your judgment of conviction and sentence as part of your plea agreement?

YES NO

15. Have any other promises been made to you which have influenced your decision to plead guilty?

YES NO

If so, what are those promises?

16. Have you had sufficient time to discuss your case with your attorney?

YES NO

17. Have you told your attorney everything you know about the crime(s) to which you are pleading guilty?

YES NO

18. Is there anything you have requested your attorney to do that has not been done?

YES NO

If yes, please explain.

19. Your attorney can get various items from the prosecutor relating to your case. These may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called discovery. Have you reviewed the evidence provided to your attorney in discovery?

YES

☒ NO

20. Are there any witnesses whose testimony would show that you are innocent?

YES

☒ NO

21. Do you understand that by pleading guilty you will waive any defenses, both factual and legal, that you believe you may have in this case?

☒ YES

NO

22. Are there any motions or other requests for relief that you believe should still be filed in this case?

YES

☒ NO

If so, what motions or requests?

23. Do you understand that if you enter an unconditional guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including:
1) any searches or seizures that occurred in your case;
2) any issues concerning the method or manner of your Arrest; and 3) any issues about any statements you may have made to law enforcement officers?

☒ YES

NO

24. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty?

☒ YES

NO

25. Are you currently on probation or parole?

☒ YES

NO

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole?

☒ YES

NO

N/A

26. If you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, inability to obtain legal status in the United States, or denial of an application for United States citizenship. Do you understand?

☒ YES

NO

27. Is the crime to which you will plead guilty one which will require you to register as a sex offender?
(I.C. § 18-8304)

YES

☒ NO

28. Are you aware that if you plead guilty you may be required to pay restitution to the victims in this case? (I.C. §19-5304)

YES NO

29. Have you agreed to pay restitution in another case as a condition of your plea agreement in this case?

YES NO

If so, to whom? _____

30. Is there a mandatory driver's license suspension as a result of a guilty plea in this case?

YES NO

If so, for how long must your license be suspended? _____

31. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse, or psychosexual evaluation is required? (I.C. §§ 18-918(7)(a), -8005(9), -8317)

YES NO

32. Are you pleading guilty to a crime for which you may be required to pay the costs of prosecution and investigation? (I.C. § 37-2732A(K))

YES NO

33. Are you pleading guilty to a crime for which you will be required to submit a DNA sample to the state? (I.C. § 19-5506)

YES NO

34. Are you pleading guilty to a crime of violence for which the court could impose a civil penalty of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

YES NO

35. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to vote in Idaho? (ID. CONST. art. 6, § 3)

YES NO

36. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to hold public office in Idaho? (ID. CONST. art. 6, § 3)

YES NO

37. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to perform jury service in Idaho? (ID. CONST. art. 6, § 3)

YES NO

38. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry firearms? (I.C. § 18-310)

YES NO

39. Do you understand that no one, including your attorney, can force you to plead guilty in this case? ☒ YES ☐ NO
40. Are you entering your plea freely and voluntarily? ☒ YES ☐ NO
41. Are you pleading guilty because you did commit the acts alleged in the information or indictment? ☒ YES ☐ NO
42. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? ☐ YES ☐ NO ☒ N/A
43. Have you had any trouble answering any of the questions in this form which you could not resolve by discussion with your attorney? ☐ YES ☒ NO
44. Have you received and reviewed a copy of the Drug Court Participant Handbook? ☒ YES ☐ NO
45. I understand and agree that the drug court judge has the authority to terminate me from the program for any single violation. ☒ YES ☐ NO
46. I understand and agree that the drug court judge can consider urinalysis results without any testimony or evidence concerning how the test was performed, the scientific basis for the instruments, the chain of custody, and the accuracy of the testing results. ☒ YES ☐ NO
47. Do you seek admission into the Drug Court Program, and accept all of its conditions and rules? ☒ YES ☐ NO

INFORMATION SPECIFIC TO DRUG COURT PARTICIPANTS

- A. Guilty Plea. In order to accept the option to participate in drug court, you must plead guilty to the charge in the Information. If you decide not to plead guilty, you cannot participate in Drug Court and your case will be remanded to the Magistrate division for preliminary hearing. If you decide not to plead guilty, your release on your own recognizance (ROR) may be revoked and the Court may set bond on your case. If you plead guilty, you cannot ask to withdraw your plea at a later date simply because you no longer wish to participate in drug court.
- B. Termination from Drug Court. If you choose to terminate or you are terminated from the Drug Court program by the Court, the Court will set your case for sentencing. Upon termination from the program, your ROR release/bond may be revoked pending sentencing.

- C. Conditions of Release. While you are a drug court participant, your ROR release or bond will be continued. However, your release will also be subject to conditions related to your participation in the Drug Court program. These conditions will include abstinence from illegal drugs and alcohol, complying with your treatment program, attending scheduled Drug Court sessions, paying program fees, complying with all program rules and making satisfactory progress towards graduation. You will be required to complete any forms and/or contracts required by the Drug Court program. The Court can revoke your ROR release and impose sanctions for failing to comply with these conditions of release. You can be held without bond.
- D. Fourth Amendment Waiver. You have the right to remain free from unreasonable searches and seizures. Normally, this means that law enforcement must have a search warrant issued by a judge before your person, place of residence or things can be searched. To participate in Drug Court, you must waive this right and you must agree and consent to the search and seizure of your person, automobile, real property, and any other property at any time and at any place by any probation officer or any person assisting a probation officer or law enforcement and you do waive your constitutional right to be free from such searches and seizures for as long as you are a participant in the Drug Court.
- E. Firearms/Weapons. The probation department assists the drug court judge in monitoring progress and compliance in drug court. You will not be permitted to reside in any residence where firearms or other weapons are present.
- F. Graduation. Upon graduation from the Drug Court program, the Court will withdraw your guilty plea and dismiss the case against you, unless you are otherwise advised at the time you enter your plea.
- G. Waive Confidentiality. Treatment records are confidential; you will be required to waive confidentiality.

I have answered the questions on pages 1-8 of this Guilty Plea Advisory form truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily. Furthermore, no one has threatened me to do so.

Dated this 19 day of DECEMBER, 20 07.


DEFENDANT

I hereby acknowledge that I have discussed, in detail, the foregoing questions and answers with my client.


DEFENDANT'S ATTORNEY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

* * *

STATE OF IDAHO

Plaintiff,

vs.

Amber Stewart

Defendant

CASE NO.

H0601422

CONSENT TO FUTURE
CONTACT

I, Amber Stewart

(print name)

, agree to consent to future contact from the

Ada County Fourth District Court - Drug Court Program and agree to provide the
Drug Court Program with information as requested after program completion. This
information will be used for program evaluation and may contain but is not limited to
information on alcohol or drug usage or treatment, family status, employment and
income, and criminal behavior/arrests. I understand that the information I submit will be
held confidential and will not be used against me in future criminal proceedings.

Signature

Amber Stewart

Date

12-19-07

Address

2820 GAWAINE ST
BOISE ID 83704

Telephone Number

378-9814

Message Number

E-Mail Address

hypnotic-angel24@yahoo.com

Witness

Date

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____ FILED _____
A.M. 9:45 P.M.

* * *

STATE OF IDAHO

Plaintiff,

vs.

Amber Stewart
Defendant

DEC 24 2007

J. DAVID NAVARRO, Clerk
By: INGA JOHANNSON
DEPUTY

CASE NO. 40601422

PHASE I - CONTRACT

The Drug Court Treatment Program is made up of four treatment phases. Each phase requires attendance at group/individual counseling, homework assignments, 12-step meeting attendance, payment of drug court fees, and drug/alcohol screens. Attendance is mandatory. All absences are considered unexcused, unless you have approval from the Drug Court Judge or Drug Court Coordinator. No excuses will be considered for such things as child care problems, transportation difficulty, vacation, illness without doctor's excuse, employment conflicts, family problems, etc.

Your performance on this contract will be reported to the Judge to monitor your status in treatment.

Phase I is scheduled to last three months. During Phase I, you will be responsible for the following:

- 1) To attend treatment groups and complete all assignments including: (a) Pass new participant orientation quiz, (b) complete diagnostic criteria, (c) complete all worksheets for Matrix, (d) develop and keep a budget, (e) develop and keep a daily schedule (day planner), and (f) develop a treatment plan or identify treatment issues for Phase II.
- 2) To attend Individual Treatment sessions as directed.
- 3) To attend a minimum of three 12-step support groups per week. Remember to have your green card signed as proof of attendance and carry it on your person at all times. Verification of 12-step attendance may be required at any time. Obtain a 12-step sponsor; complete Step 1 with your sponsor.
- 4) To complete all homework assignments.

00165

- 5) To inform the health care provider of your addiction and obtain written verification from the physician that he/she has been notified when prescribed any medication.
- 6) To remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not take any over the counter medication except aspirin, ibuprophen, and Tylenol without a doctor's prescription. Provide Ada County Treatment Services with copies of all doctor ordered medications. It is possible that time spent on a prescribed narcotic or non-approved medication may not count as time toward graduation; however, all other requirements during that time will still be required.
- 7) To submit to all drug tests including, but not limited to, random urine, breath, and/or oral fluid drug screens.
- 8) To pay Drug Court fees.
- 9) To comply with mentorship program requirements. This includes going to a 12-step meeting within the first week of Phase I and maintaining weekly contact throughout Phase I with your assigned mentor. You are required to submit a monthly report of your mentor contacts.
- 10) To have a full-time job or be enrolled in school full time.
- 11) To attend orientation for G.E.D., if applicable.
- 12) To comply with each and every other order imposed by the drug court judge.

Other requirements:

comply with a 9:45 PM curfew
until further order

Ru!

Before progressing to Phase II, you must complete all of the requirements of Phase I and obtain a sponsor.

This contract entered into on this 19th day of Dec, 2007.
Month Year



Drug Court Judge

I agree to all the terms and conditions set forth above.



Defendant

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

NO. _____ FILED _____
A.M. _____ P.M. 12:00

* * *

STATE OF IDAHO

Plaintiff,

vs.

AMBER STEWART

Defendant

MAY 09 2008

J. DAVID NAVARRO, Clerk
By _____
DEPUTY

CASE NO. CRFE - 0601422

PHASE II - CONTRACT

The Drug Court Treatment Program is made up of four treatment phases. Each phase requires attendance at group/individual counseling, homework assignments, 12-step meeting attendance, payment of drug court fees, and drug/alcohol screens. Attendance is mandatory. All absences are considered unexcused, unless you have approval from the Drug Court Judge or Drug Court Coordinator. No excuses will be considered for such things as child care problems, transportation difficulty, vacation, illness without doctor's excuse, employment conflicts, family problems, etc.

Your performance on this contract will be reported to the Judge to monitor your status in treatment.

Phase II is scheduled to last three months. During Phase II, you will be responsible for the following:

- 1) To attend treatment groups and complete all assignments including: (a) Write and present autobiography, (b) complete and present Relapse Prevention packet, (c) pass 12-step quiz, (d) demonstrate understanding of defense mechanisms and barriers to recovery, and (e) test for communicable diseases (attend any counseling as required).
- 2) To attend Individual Treatment sessions as directed.
- 3) To attend a minimum of two 12-step support groups per week. Remember to have your green card signed as proof of attendance and carry it on your person at all times. Verification of 12-step attendance may be required at any time. Complete Step 2 and 3 with your sponsor. Have a commitment to a 12-step home group.


00167

- 4) To inform the health care provider of your addiction and obtain written verification from the physician that he/she has been notified when prescribed any medication.
- 5) To complete all homework assignments.
- 6) To remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not take any over the counter medication except aspirin, ibuprophen, and Tylenol without a doctor's prescription. Provide Ada County Treatment Services with copies of all doctor ordered medications. It is possible that time spent on a prescribed narcotic or non-approved medication may not count as time toward graduation; however, all other requirements during that time will still be required.
- 7) To submit to all drug tests including, but not limited to, random urine, breath, and/or oral fluid drug screens.
- 8) To pay Drug Court fees.
- 9) To maintain weekly contact with sponsor.
- 10) To have a full-time job or be enrolled in school full time.
- 11) To take TABE tests and pre-tests for G.E.D., if applicable.
- 12) To comply with each and every other order imposed by the drug court judge.

Other requirements: _____

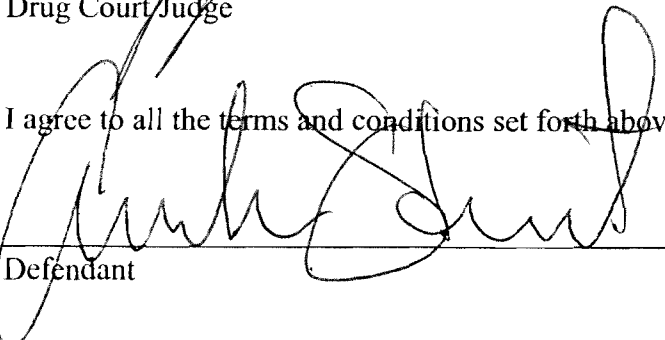
Before progressing to Phase III, you must complete all of the requirements of Phase II.

This contract entered into on this 7th day of May, 2008.
Month Year



Drug Court Judge

I agree to all the terms and conditions set forth above.



Defendant

00168

AUG 07 2008

J. DAVID NAVABRO, Clerk
By [Signature] DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,
Plaintiff,

CASE NO. CRFE06-01422

vs.

ORDER RE: JAIL TIME

Amber Stewart
Defendant,

IT IS HEREBY ORDERED That the above named defendant shall serve 4 days in
the Ada County Jail. This jail time shall be served 8/7, 8/12, 8/14, 8/19 (2008)
The defendant shall report to the Sheriff tomorrow to schedule serving this jail time. The
defendant **MUST** report by 8:30 a.m.

Dated: 8/6/08

[Signature]
Ronald J. Wilper
District Judge

FAXed to: ACSO

Order Re: Jail Time

00169

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

A.M. 10:50 FILED P.M.

* * *

STATE OF IDAHO

Plaintiff,

vs.

AMBER STEWART

Defendant

OCT 16 2008

J. DAVIS NAVARRO, Clerk

Bj

CLERK

CASE NO. CRFE-0601422

PHASE III - CONTRACT

The Drug Court Treatment Program is made up of four treatment phases. Each phase requires attendance at group/individual counseling, homework assignments, 12-step meeting attendance, payment of drug court fees, and drug screens. Attendance is mandatory. All absences are considered unexcused, unless you have approval from the Drug Court Judge or Drug Court Coordinator. No excuses will be considered for such things as child care problems, transportation difficulty, vacation, illness without a doctor's excuse, employment conflicts, family problems, etc.

Your performance on this contract will be reported to the Judge to monitor your status in treatment.

Phase III is scheduled to last three months. During Phase III, you will be responsible for the following:

- 1) To attend treatment groups and complete all assignments including: (a) Complete family weekend and develop support contract with family, (b) write "vision" or mission statement for recovery and plan to obtain.
- 2) To attend Individual Treatment sessions as directed.
- 3) To attend a minimum of two 12-step support groups *per week* *or some other program*. Remember to have your green card signed as proof of attendance and carry it on your person at all times. Verification of 12-step attendance may be required at any time. Have committed to a 12-step home group. Be at least working on Step 4 with sponsor.
- 4) To inform the health care provider of your addiction and obtain written verification from the physician that he/she has been notified when prescribed any medication.
- 5) To complete all homework assignments.


00170

- 6) To remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not take any over the counter medication except aspirin, ibuprophen, and Tylenol without a doctor's prescription. Provide Ada County Treatment Services with copies of all doctor ordered medications. It is possible that time spent on a prescribed narcotic or non-approved medication may not count as time toward graduation; however, all other requirements during that time will still be required. To submit to random urine, breath, or oral fluid drug screens.
- 7) To submit to all drug tests including, but not limited to, random urine, breath, and/or oral fluid screens.
- 8) To pay drug court fees.
- 9) To maintain weekly contact with sponsor.
- 10) To plan Community Project and present to treatment team.
- 11) To complete Relapse Prevention packet.
- 12) To be employed full time or in school full time.
- 13) Take at least three (3) tests toward G.E.D., if applicable.
- 14) To comply with each and every other order imposed by the drug court judge.

Other requirements: _____

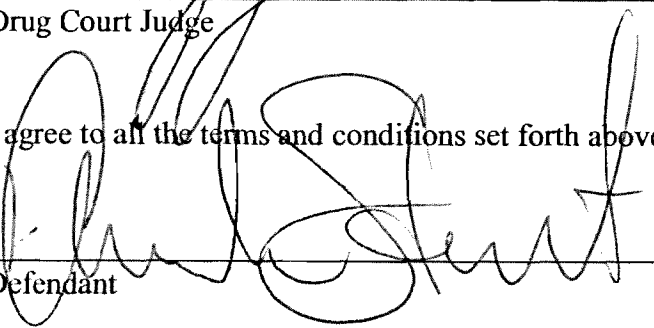
Before progressing to Phase IV, you must complete all of the requirements of Phase III.

This contract entered into on this 15th day of OCT-, 2008.
Month Year



Drug Court Judge

I agree to all the terms and conditions set forth above.



Defendant

JAN 07 2009

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS

By DAVID NAVARRO, Clerk
DEPUTY

* * *

STATE OF IDAHO

Plaintiff,

vs.

AMBER STEWART

Defendant

CASE NO. CRFE061422

PHASE IV - CONTRACT

The Drug Court Treatment Program is made up of four treatment phases. Each phase requires attendance at group/individual counseling, homework assignments, 12-step meeting attendance, payment of drug court fees, and drug/alcohol screens. Attendance is mandatory. All absences are considered unexcused, unless you have approval from the Drug Court Judge or the Drug Court Coordinator. No excuses will be considered for such things as child care problems, transportation difficulty, vacation, illness without a doctor's excuse, employment conflicts, family problems, etc.

Your performance on this contract will be reported to the Drug Court Judge to monitor your status in treatment.

Phase IV is scheduled to last three months. During Phase IV, you will be responsible for the following:

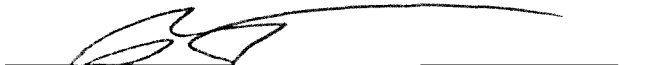
- 1) To attend treatment groups and complete all assignments including: (a) Moving on packet and letter to the newcomer and (b) write essay on progress toward vision.
- 2) To attend Individual Treatment sessions as directed.
- 3) To attend a minimum of two 12-step support groups per week. Remember to have your green card signed as proof of attendance and carry it on your person at all times. Verification of 12-step attendance may be required at any time. Become involved in service work with your 12-step home group. */ or some other program.*
- 4) To inform the health care provider of your addiction and obtain written verification from the physician that he/she has been notified when prescribed any medication.
- 5) To complete all homework assignments.

- 6) To remain free of all illegal drugs and all alcohol. Do not enter any establishment where the sale of alcohol is a major source of income. Alcohol must not be present in your home. Do not take any over the counter medication except aspirin, ibuprophen, and Tylenol without a doctor's prescription. Provide Ada County Treatment Services with copies of all doctor ordered medications. It is possible that time spent on a prescribed narcotic or non-approved medication may not count as time toward graduation; however, all other requirements during that time will still be required.
- 7) To submit to all drug tests including, but not limited to, random urine, breath, and/or oral fluid screens.
- 8) To pay Drug Court fees.
- 9) To maintain weekly contact with sponsor.
- 10) To complete Community Project.
- 11) To attend at least one Alumni Group meeting and one Alumni Relapse Prevention class before graduation. Become a mentor or volunteer to meet a newcomer at a meeting.
- 12) To be enrolled in school or working full time.
- 13) To complete all G.E.D. testing, if needed.
- 14) To comply with each and every other order imposed by the drug court judge.

Other requirements: _____

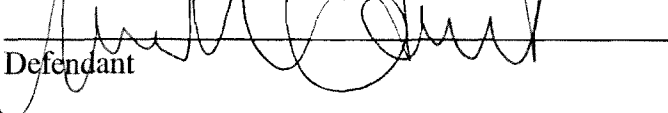
Before program graduation, you must complete all of the requirements of Phase IV and have paid all program fees.

This contract entered into on this 7th day of July, 2009.
Month Year



Drug Court Judge

I agree to all the terms and conditions set forth above.



Defendant

JUN 07 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

GREG H. BOWER
Ada County Prosecuting Attorney

George Gunn
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Phone: (208) 287-7700
Fax: (208) 287-7709

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,)
)
vs.)
)
AMBER DAWN STEWART,)
)
Defendant.)
_____)

Case No. CR-FE-2006-0001422
MOTION FOR BENCH
WARRANT FOR
PROBATION VIOLATION

STATE OF IDAHO)
) ss:
County of Ada)

COMES NOW, George Gunn, Deputy Prosecuting Attorney for Ada County, State of Idaho, being first duly sworn, deposes and says:

That on the 14th day of December 2006, the said Defendant pled guilty POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, and that on the 16th day of March 2007, this Court placed the Defendant on probation for a period of five (5) years, and



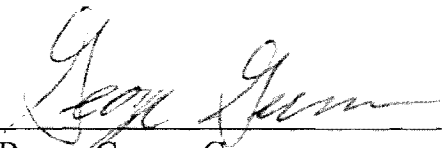
that on the 8th day of November 2007, the said Defendant pled guilty to PROBATION VIOLATION, FELONY, and that on the 13th day of December 2007, this Court reinstated probation for a period of five (5) years.

This Court required, and the Defendant agreed, that as a condition of probation she would respect and obey all the laws of the State of Idaho, at all times conduct herself as a good citizen, and obey the rules and regulations of probation. That the Defendant violated the above-mentioned term of her probation agreement by:

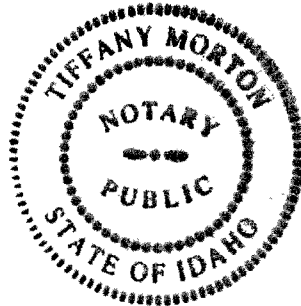
- ✓ 1. Committing the crime of FORGERY, FELONY, on or about the 24th day of December 2010, filed as case number CR-FE-2010-0003077;
2009/11/26
- ✓ 2. Committing the crime of ~~DELIVERY OF~~ *Poss. with intent to deliver* A CONTROLLED SUBSTANCE, FELONY, on or about the 21st day of November 2009, filed as case number CR-FE-2009-0021903;
3. Committing the crime of DRIVING WITHOUT PRIVILEGES, MISDEMEANOR, on or about the 21st day of November 2009, filed as case number CR-FE-2009-0021903, and by;
4. Operating a motorized vehicle on a suspended and/or restricted license on or about the 21st day of November 2009.

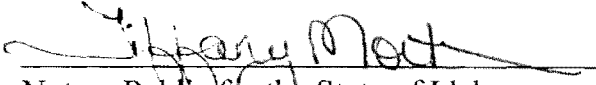
WHEREFORE, your affiant prays for an Order of this Court directing the Clerk of the Court to issue a Bench Warrant for the arrest of the Defendant requiring that she be arrested and brought before this Court on the arraignment day next following her arrest, at which time to show cause why the probation and sentence in this cause should not be revoked and sentence imposed according to law.

GREG H. BOWER
Ada County Prosecuting Attorney


By: George Gunn
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 4th day of June 2010.




Notary Public for the State of Idaho
Residing at Boise, Idaho
Commission Expires: 8/1/11.

GREG H. BOWER
Ada County Prosecuting Attorney

George Gunn
Deputy Prosecuting Attorney
200 West Front Street, Room 3191
Boise, Idaho 83702
Telephone: (208) 287-7700
Fax: (208) 287-7709

FILED
JUN 09 2010
J. DAVID NAVARRO, Clerk
By BOBBIE THOMPSON
DEPUTY
RECEIVED
JUN 07 2010
ADA COUNTY CLERK

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,)	
)	
Plaintiff,	)	Case No. CR-FE-2006-0001422
)	
vs.	)	ORDER FOR BENCH WARRANT FOR
	)	PROBATION VIOLATION
AMBER DAWN STEWART,)	
)	
Defendant.)	
_____)	

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of the Court issue a Bench Warrant for the arrest of the Defendant requiring that she be arrested at any time during the day or night and brought before this Court on the arraignment day next following her arrest.

It is further ordered that the above-named Defendant shall remain on active probationary status and be subject to all requirements of her probation order during the pendency of these

proceedings, unless the Defendant meets the criteria for absconding. ^{no} Bond is set at \$ _____
_____ pending arraignment on the Bench Warrant.

DATED this 8th day of June 2010.


Judge

BOND SET AT:

\$ — Cash/Surety

\$ _____ Cash

\$ _____ Surety

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2006-0001422

DOB [REDACTED]

Scheduled Event: Video Arraignment Thursday, September 09, 2010 01:30 PM

Judge: Cawthon / Irby Clerk: [Signature] Interpreter: _____

Prosecuting Agency: ☒ AC ☐ BC ☐ GC ☐ MC Pros: _____

PD / Attorney: _____

- 1 I37-2732(C)(1) Controlled Substance-possession Of F
- 2 IX20-227-B F PROBATION VIOLATION F
- 3 I20-222 Probation Violation F

_____ Case Called Defendant: ☒ Present ☐ Not Present ☒ In Custody

_____ Advised of Rights _____ Waived Rights _____ PD Appointed _____ Waived Attorney

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty

_____ Bond \$ _____ ROR _____ Pay / Stay _____ Payment Agreement

_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order

J @ District Court
Cont.
Video Arr 9/10/10 @ 1:30
W/ Hawley

Finish () Release Defendant

ADA COUNTY MAGISTRATE MINUTES

Amber Dawn Stewart CR-FE-2006-0001422

DOB: [REDACTED]

Scheduled Event: Video Arraignment Friday, September 10, 2010 01:30 PM

Judge: John Hawley Jr. Clerk: DF Interpreter: _____

Prosecuting Agency: X AC _____ BC _____ GC _____ MC _____ Pros: _____

PD / Attorney: _____

- 1 I37-2732(C)(1) Controlled Substance-possession Of F
- 2 IX20-227-B F PROBATION VIOLATION F
- 3 I20-222 Probation Violation F

142303 Case Called Defendant: X Present _____ Not Present X In Custody

_____ Advised of Rights _____ Waived Rights _____ PD Appointed _____ Waived Attorney

_____ Guilty Plea / PV Admit _____ N/G Plea _____ Advise Subsequent Penalty

X Bond \$ NO BOND _____ ROR _____ Pay / Stay _____ Payment Agreement

_____ In Chambers _____ PT Memo _____ Written Guilty Plea _____ No Contact Order

Δ Advised.

Arr: 9/15/10 @ 3:00

w/ Hansen

Finish () Release Defendant

Session: Wetherell091610
Session Date: 2010/09/16
Judge: Wetherell, Mike
Reporter: Gosney, Vanessa

Division: DC
Session Time: 09:26

Courtroom: CR507

Clerk(s):
Oatman, Diane

State Attorney(s):
Buttram, Tessie
Morrison, Monica
Reilly, Heather
Wittwer, Kai

Public Defender(s):
Geddes, Anthony
Glindeman, Megan
Wollen, Nick

Prob. Officer(s):

Court interpreter(s):

Case ID: 0010

Case number: 40601422
Plaintiff:
Plaintiff Attorney:
Defendant: Stewart, Amber
Co-Defendant(s):
Pers. Attorney:
State Attorney: Reilly, Heather
Public Defender: Geddes, Anthony

2010/09/16

10:58:29 - Operator
Recording:
10:58:29 - New case
Stewart, Amber
10:59:21 - Judge: Wetherell, Mike
Ct calls case; def present in custody w/counsel
10:59:30 - Judge: Wetherell, Mike
Ct revws file
11:03:40 - Judge: Wetherell, Mike
Ct arrgs on PV
11:03:44 - Public Defender: Geddes, Anthony

admit PV 1 and 2 - plead guilty and prev sentenced -- would like to go
11:04:06 - Public Defender: Geddes, Anthony
directly to sentencing
11:07:25 - Defendant: Stewart, Amber
sworn and examined by the court
11:12:46 - Judge: Wetherell, Mike
Ct accepts admissions and will move directly to sentencing pursuant to
11:13:05 - Judge: Wetherell, Mike
agreement
11:13:07 - State Attorney: Reilly, Heather
comments/rec'd revoke w/held - sentence def 2+5
11:15:48 - Public Defender: Geddes, Anthony
1+4 to run concurrently
11:16:29 - Defendant: Stewart, Amber
declines comment
11:16:33 - Public Defender: Geddes, Anthony
no legal cause
11:16:57 - Judge: Wetherell, Mike
Ct sentence def -- 146d CTS -- Ct imposes 2+5 to run concurrently with
11:17:37 - Judge: Wetherell, Mike
any other sentence-rec'd therapeutic community-substance abuse/cognitive prog
11:18:00 - Judge: Wetherell, Mike
appeal rights
11:19:04 - Operator
Stop recording:

NO. 8:59 A.M. SEP 20 2010
DAVID NAVARRO, Clerk
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO,)
)
Plaintiff,) Case No. CR-FE-2006-0001422
) (Previously H0601422)
vs.)
) ORDER OF REVOCATION OF
AMBER DAWN STEWART,) PROBATION, IMPOSITION OF
DOB: [REDACTED]) SENTENCE AND COMMITMENT
SSN: [REDACTED])
Defendant.)
_____)

WHEREAS, on September 16, 2010, the above named Defendant, appeared before this Court, with counsel, Anthony Geddes, for disposition because of the Defendant's violation of the Court's probation. The Court finds the Defendant's violation was knowing and willful. The Court considered alternatives to revoking the Defendant's probation and, in an exercise of discretion, revokes probation. The Defendant waived her right to an updated presentence investigation and a delay prior to sentencing.

Now, therefore IT IS HEREBY ORDERED, that the probation reinstated by the Court on December 13, 2007, be and the same is hereby revoked.

IT IS FURTHER ORDERED that the Withheld Judgment entered by the Court on the 16th day of March, 2007, is hereby revoked, and that a Judgment of Conviction for the crime of: POSSESSION OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(c), committed on or about October 9, 2006, be entered and executed as follows: that the Defendant, AMBER DAWN STEWART, is sentenced pursuant to Idaho Code Section 19-2513 to the custody of the

State Board of Correction of the State of Idaho for the term of not to exceed seven (7) years: with the first two (2) years of said term to be FIXED, and with the remaining five (5) years of said term to be INDETERMINATE, to run **concurrent** with any other sentence the Defendant is serving. The Defendant shall receive credit for one hundred forty-six (146) days previously served.

The Court recommends that the defendant receive any/all cognitive based programming and substance abuse treatment including participation in the Therapeutic Community if deemed appropriate.

The Defendant shall pay all fines, costs and fees previously imposed that have not been paid. No further costs and fees will be imposed on the probation violation due to the Defendant's incarceration and resulting indigency.

The Defendant is hereby remanded to the custody of the Sheriff of Ada County to be delivered FORTHWITH into the custody of the Director of the Idaho State Correctional Institution.

IT IS FURTHER ORDERED that the Clerk deliver a certified copy of this Order of Revocation of Probation to the said Sheriff, which shall serve as the commitment of the Defendant.

DATED this 16th day of September, 2010.


MIKE WETHERELL
District Judge

CERTIFICATE OF MAILING

I hereby certify that on the 20th day of Sept, 20 10, I mailed (served) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR
VIA E-MAIL

ADA COUNTY PUBLIC DEFENDER
VIA E-MAIL

ADA COUNTY JAIL
VIA E-MAIL

DEPARTMENT OF CORRECTIONS - CENTRAL RECORDS
VIA E-MAIL

PROBATION & PAROLE/PSI DEPT
VIA E-MAIL

J. DAVID NAVARRO
Clerk of the District Court

By: 

Deputy Court Clerk

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front, Suite 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

NO. _____ FILED _____
A.M. _____ P.M. _____

SEP 20 2010

J. DAVID NAVARRO, Clerk
By SCARLETT RAMIREZ
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,)	
)	
vs.	)	Criminal No. CR-FE-2006-0001422
)	
	)	NOTICE OF APPEAL
AMBER DAWN STEWART,)	
)	
Defendant-Appellant.)	
_____)	

TO: THE ABOVE NAMED RESPONDENT, GREG BOWER, ADA COUNTY
PROSECUTOR, AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

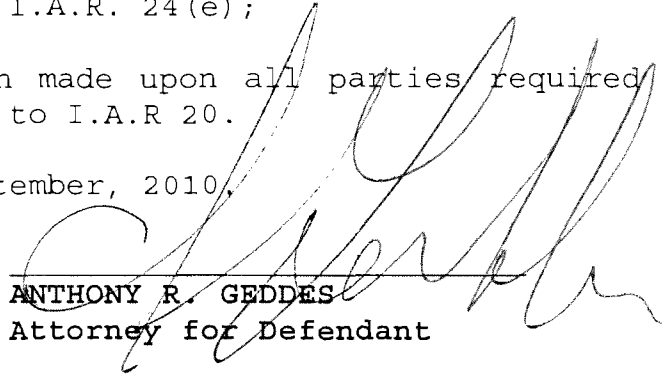
1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Decision and Order entered in the above-entitled action on the 20th day of September, 2010, the Honorable Mike Wetherell, District Judge presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-10).
3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided

any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

- (a) Did the district court err in revoking probation and ordering into execution the original sentence?
- 4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).
- 5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(c). The appellant also requests the preparation of the additional portions of the reporter's transcript:
 - (a) Sentencing Hearing held: September 16, 2010
Court Reporter: V. Gosney
Estimated pages: less than 50
- 6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):
 - (a) Copies of Probation Violations Allegations; and
 - (b) Any exhibits, including but not limited to letters or victim impact statements and other addendums to the PSI or other items offered at the Sentencing Hearing, Admit/Deny Hearing or the Probation Violation Dispositional Hearing.
- 7. I certify:
 - (a) That a copy of this Notice of Appeal has been served on the Court Reporter, V. Gosney;
 - (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e));

- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));
- (d) Ada County will be responsible for paying for the reporter's transcript, as the client is indigent, I.C. §§ 31-3220, 31-3220A, I.A.R. 24(e);
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED this 20th day of September, 2010,



ANTHONY R. GEDDES
Attorney for Defendant

CERTIFICATE OF MAILING

I HEREBY CERTIFY, That on the 20th day of September, 2010, I
mailed true and correct copies of the foregoing, NOTICE OF
APPEAL to:

KENNETH K. JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
P.O. BOX 83720
BOISE, ID 83720-0010

V. GOSNEY, HONORABLE JUDGE WETHERELL'S COURT REPORTER


Stephanie Martinez

ADA COUNTY PUBLIC DEFENDER
Attorneys for Defendant
200 W. Front St., Ste. 1107
Boise, Idaho 83702
Telephone: (208) 287-7400

RECEIVED

SEP 20 2010

ADA COUNTY CLERK

2:40
SEP 24 2010

J. DAVID NAVARRO, Clerk
BY DIANE M. OATMAN
DEPUTY

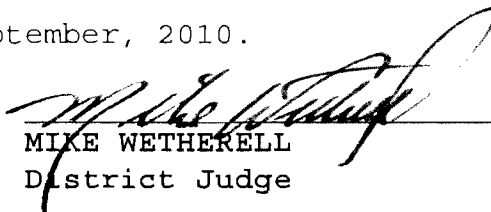
IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO)	
)	
Plaintiff-Respondent,	)	Criminal No. CR-FE-2006-0001422
)	
vs.)	
)	
AMBER DAWN STEWART,	)	ORDER APPOINTING STATE
	)	APPELLATE PUBLIC DEFENDER
Defendant-Appellant.	)	ON DIRECT APPEAL
)	

The above-named Defendant, AMBER DAWN STEWART, being indigent and having heretofore been represented by the Ada County Public Defender's Office in the District Court, and said Defendant having elected to pursue a direct appeal in the above-entitled matter;

IT IS HEREBY ORDERED, AND THIS DOES ORDER, That the Idaho State Appellate Public Defender is appointed to represent the above named Defendant, AMBER DAWN STEWART, in all matters pertaining to the direct appeal.

DATED This 24th day of September, 2010.


MIKE WETHERELL
District Judge

ORDER APPOINTING STATE APPELLATE
PUBLIC DEFENDER ON DIRECT APPEAL

00190

TO: CLERK OF THE COURT
IDAHO SUPREME COURT
451 WEST STATE STREET
BOISE, IDAHO 83702

NO. _____ FILED
8:00 PM

DEC 13 2010

J. DAVID NAVARRO, Clerk
By BRADLEY J. THIES
DEPUTY

STATE OF IDAHO,)
) Supreme Court No.
) 38078-2010
Plaintiff-Respondent,)
vs.) Case No. CRFE-06-1422
)
AMBER DAWN STEWART,)
)
Defendant-Appellant.)
_____)

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on October 26, 2010, I
lodged a transcript 23 pages of length for the
above-referenced appeal with the District Court Clerk of
the **County of Ada** in the Fourth Judicial District.

HEARING DATES INCLUDED:

September 16, 2010



Vanessa S. Gosney, Official Court Reporter



Date

00190 A

TO: CLERK OF THE COURT
IDAHO SUPREME COURT
451 WEST STATE STREET
BOISE, IDAHO 83702

FILED
AM 8:00 PM
DEC 13 2010
J. DAVID NAVARRO, Clerk
By BRADLEY J. THIES
DEPUTY

THE STATE OF IDAHO,
Plaintiff-Respondent,
v.
AMBER DAWN STEWART,
Defendant-Appellant.

)
) Supreme Court Nos. 38078
) 37767
) 38051
)
)
) Case Nos. CR-2006-1422
) CR-2009-21903
) CR-2010-3077
)

NOTICE OF TRANSCRIPT FILED

Notice is hereby given that on November 16, 2010, I
filed a transcript of 187 pages in length for the
above-referenced appeal with the District Court
Clerk of the County of Ada in the Fourth Judicial
District.


Nicole L. Omsberg

11-16-10.
Date

HEARINGS: 3/19/10, 12/14/06, 9/9/10, 4/22/10, 6/3/10.

NO. _____ FILED
AM. 8:00 PM

DEC 18 2010

TO: CLERK OF THE COURT IDAHO SUPREME COURT
451 WEST STATE STREET, BOISE, IDAHO 83702
by DAVID NAVARRO, Clerk
by BRADLEY J. THIES, Deputy

STATE OF IDAHO,)	
)	
Plaintiff/Respondent,	)	Supreme Court
	)	Docket No. 38078-2010
)	
vs.)	
)	
	)	Case No. 2006-1422
AMBER DAWN STEWART,	)	NOTICE OF TRANSCRIPT
	)	LODGING
Defendant/Appellant.)	

NOTICE OF TRANSCRIPT LODGED

Notice is hereby given that on December 10th, 2010,
I lodged transcript(s) of the following hearing(s):

Plea and Sentencing Hearing, March 16, 2007, for the
above-referenced appeal with the District Court Clerk of the
County of Ada in the Fourth Judicial District.

Kasey A. Redlich

Kasey A. Redlich,
Certified Court Reporter

12/10/10

Date

00190C

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

AMBER DAWN STEWART,

Defendant-Appellant.

Supreme Court Case No. 37767

38051

38078

CERTIFICATE OF EXHIBITS

I, J. DAVID NAVARRO, Clerk of the District Court of the Fourth Judicial District of the State of Idaho in and for the County of Ada, do hereby certify:

That the attached list of exhibits is a true and accurate copy of the exhibits being forwarded to the Supreme Court on Appeal.

I FURTHER CERTIFY, that the following documents will be submitted as CONFIDENTIAL EXHIBITS to the Record:

1. Pre-Sentence Investigation Report.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 13th day of December, 2010.

J. DAVID NAVARRO
Clerk of the District Court

By BRADLEY J. THIES
Deputy Clerk

CERTIFICATE OF EXHIBITS

00191

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

HONORABLE MIKE WETHERELL
CLERK: DIANE OATMAN
CT REPTR: Nicole Omsberg

MARCH 19, 2010

STATE OF IDAHO,

Plaintiff,

vs.

AMBER STEWART,

Defendants.

Case No. FE0921903

EXHIBIT LIST

Counsel for State:

Heather Reilly

Counsel for Defendant:

Anthony Geddes

STATE'S EXHIBITS

1	Audio CD	admitted
A1	Copy Dispo Report	admitted
A2	Copy Dispo Report	admitted
B1	Procedure search/seizure w/out warrant	admitted
B2	Procedure Towing Vehicles	admitted

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

AMBER DAWN STEWART,

Defendant-Appellant.

Supreme Court Case No. 37767

38051

38078

CERTIFICATE OF SERVICE

I, J. DAVID NAVARRO, the undersigned authority, do hereby certify that I have personally served or mailed, by either United States Mail or Interdepartmental Mail, one copy of the following:

CLERK'S RECORD AND REPORTER'S TRANSCRIPT

to each of the Attorneys of Record in this cause as follows:

STATE APPELLATE PUBLIC DEFENDER

ATTORNEY FOR APPELLANT

BOISE, IDAHO

LAWRENCE G. WASDEN

ATTORNEY FOR RESPONDENT

BOISE, IDAHO

J. DAVID NAVARRO
Clerk of the District Court

Date of Service: DEC 13 2010

By BRADLEY J. THIES
Deputy Clerk

CERTIFICATE OF SERVICE

00193

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO,

Plaintiff-Respondent,

vs.

AMBER DAWN STEWART,

Defendant-Appellant.

Supreme Court Case No. 37767

38051

38078

CERTIFICATE TO RECORD

I, J. DAVID NAVARRO, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, do hereby certify that the above and foregoing record in the above-entitled cause was compiled and bound under my direction as, and is a true and correct record of the pleadings and documents that are automatically required under Rule 28 of the Idaho Appellate Rules, as well as those requested by Counsels.

I FURTHER CERTIFY, that the Notice of Appeal was filed in the District Court on the 4th day of June, 2010.

J. DAVID NAVARRO
Clerk of the District Court

By BRADLEY J. THIES
Deputy Clerk

CERTIFICATE TO RECORD

00194